



For Immediate Release

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DATE: November 7, 2014
TO: All Press Media
SUBJECT: November Election - Marijuana Charter Amendment

The City of Berkley has received numerous phone calls about the November ballot proposal, amending Chapter 6 of Berkley's City Charter. To help residents better understand the approved charter amendment, the following information is offered:

The November 4 ballot proposal asked residents:

"Shall Chapter 6 of the Charter of the City of Berkley be amended to add a new Section 6.9, entitled "Marijuana," to state that: "Nothing in the Code of Ordinances shall apply to the use, possession or transfer of less than 1 ounce of marijuana, on private property not used by the public, or transportation of less than 1 ounce of marijuana, by a person who has attained the age of 21 years"?

The election results indicate 62.65% of Berkley residents voted "yes" to approve the charter amendment, and 37.75% voted "no."

The charter amendment will go into effect after the vote has been certified and the City Clerk files the charter amendment with the secretary of state and county clerk. That process typically takes 30 days to complete. In the meantime, what does this mean to Berkley residents? Please see the following answers to frequently asked questions about the ballot proposal:

Question	Answer
1. Is it legal to sell marijuana in the City of Berkley?	No. The charter amendment does not legalize the sale of marijuana in Berkley.
2. Does the approved amendment mean that medical marijuana can be sold in Berkley?	Under the Michigan Medical Marihuana Act, marihuana may only be sold by a primary caregiver to his or her registered patient(s). No other marijuana sales are permitted under state or federal law, and the charter amendment does not change that.
3. How much tax money will be generated from marijuana sold in the City of Berkley?	None. According to state and federal law, marijuana is a controlled substance that may not be lawfully possessed or sold (subject to the narrow exception stated above for medical marihuana). Therefore, it is not taxed.
4. What does the current state law say about the use and sale of marijuana?	The use and sale of marijuana in any quantity is illegal under state and federal law, subject to the limited exception under the Michigan Medical Marihuana Act which allows registered patients and their primary caregivers to possess limited amounts for medical use only.

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| 5. How will state law be enforced in the City of Berkley? | State law will be enforced in the same manner as previously enforced. |
| 6. If I am age 21 years and found in possession of less than 1 ounce of marijuana on private property, what will happen to me? | If determined to be in violation of state law, you will be subject to prosecution. The City Charter amendment only precludes enforcement of City ordinance, but does not affect state law or its enforcement. |
| 7. How much time is needed to formalize the Charter amendment? | The charter amendment goes into effect upon the City Clerk's filing it with the Secretary of State and County Clerk after the vote has been certified. |
| 8. If I am 21 year old and found in possession of less than 1 ounce of marijuana before the charter is amended, what will happen to me? | If determined to be in violation of state law, you will be subject to prosecution. The City Charter amendment only precludes enforcement of City ordinance, but does not affect state law or its enforcement. |

NOTE: The spelling of marijuana or marihuana is used interchangeably.

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