

## ORDINANCE NO. 370

### AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TOT MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, BALLOT PROPOSAL 1 OF 2018

#### THE CITY OF BESSEMER HEREBY ORDAINS: PROHIBITION OF MARIHUANA ESTABLISHMENTS

(A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City of Bessemer

(B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.

(C) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent provided by the Act, and does not supersede rights and obligations under Michigan law with respect to the establishment and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marihuana for medical use.

#### Section 2. PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

(A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, [except as otherwise provided in this section], the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City

(B) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

(C) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 4. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section 5. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in a newspaper of general circulation in the City

CERTIFICATION:

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer  
this Seventh day of January, 2019

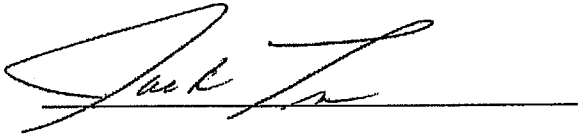
First Reading: December 17, 2018

Public Hearing: January 7, 2019

Second Reading: January 7, 2019

Published: January 11, 2019

ATTEST:

A handwritten signature in black ink, appearing to read "Jack T.", is written over a solid horizontal line.

James K. Trudgeon, City Clerk