

ORDINANCE NO. 372

AN ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 5.8 OF SAID ZONING ORDINANCE

THE CITY OF BESSEMER HEREBY ORDAINS:

Section [1]. Addition of Section 5.8 to Zoning Ordinance "Prohibition of Recreational Marihuana Establishments," is added to the zoning ordinance of the City of Bessemer to read as follows:

SECTION 5.8 PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

(A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 9.11 (Q) of this Zoning Ordinance.

(B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Ordinances; that use shall not be entitled to claim legal nonconforming status.

(C) Violations of this section are subject to the violations and penalties pursuant to Section 14.9 of this zoning ordinance.

(D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Act.

Section [2]. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section [3]. 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 [4]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published.

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NEW SECTION SHALL BE DESIGNATED AS SECTION 5.8 OF SAID ZONING ORDINANCE**

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of
Bessemer this 15th day of April, 2019

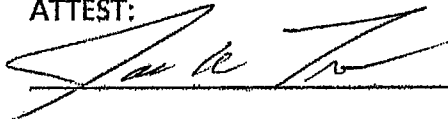
First Reading: March 18, 2019

Public Hearing: April 15, 2019

Second Reading: April 15, 2019

Published: April 27, 2019

ATTEST:



James K. Trudgeon, City Clerk