

Village of Cass City, MI Ordinance No. 181

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF CASS CITY

**BY ADDING A NEW CHAPTER, ARTICLE AND SECTION NUMBER,
WHICH NEW CHAPTER 48 SHALL BE DESIGNATED AS MARIJUANA,
WHERE ARTICLE I SHALL BE DESIGNATED AS RECREATIONAL,
WHERE SECTION 48.1 SHALL BE DESIGNATED AS PROHIBITION OF
RECREATIONAL ESTABLISHMENTS, AND
WHERE SECTION 48.2 SHALL BE DESIGNATED AS PROHIBITION ON SALE
AND CONSUMPTION OF MARIJUANA IN PUBLIC PLACES**

The Village OF Cass City ORDAINS:

Section 1. Addition of Section 1 to Chapter 48, Article I, “Prohibition of Recreational Marijuana Establishments,” is added to Chapter 48, MARIJUANA, Article I RECREATIONAL, of the Code of Ordinances of the Village of Cass City (hereinafter “Village”) to read as follows:

SECTION 48.1 PROHIBITION OF RECREATIONAL MARIJUANA ESTABLISHMENTS

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marijuana Act (the “Act”), marijuana establishments, as defined by the Act, are completely prohibited within the boundaries of the Village.
- (B) Any applicant for a state or local license to establish a marijuana establishment, as defined by the Act, within the boundaries of the Village shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.

This section does not supersede rights and obligations with respect to the transportation of marijuana through the Village to the extent provided by the Act, and does not supersede rights and obligations under Michigan law and Section 1 of Chapter 48 of this Code of Ordinances with respect to the establishment and licensing of medical marijuana facilities under the

Michigan Medical Marijuana Act, the Medical Marijuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marijuana for medical use.

Section 2. Addition of Section 2 to Chapter 48, Article I, “Prohibition on Sale and Consumption of Marijuana in Public Places,” is added to Chapter 48, MARIJUANA, Article I RECREATIONAL, of the Code of Ordinance of the Village of Cass City to read as follows:

SECTION 48.2 PROHIBITION ON SALE AND CONSUMPTION OF MARIJUANA 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 marijuana in any form and the sale or display of marijuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the Village.
- (B) Notwithstanding the limitations set forth in subsection (A) hereof, marijuana may be consumed where approval is granted for the consumption of marijuana at a Village – approved festival or activity in areas designated by the Village for such festival or activity and that are not accessible to persons under 21 years of age.
- (C) 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.
- (D) This section does not supersede rights and obligations with respect to the transfer and consumption of marijuana 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 marijuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marijuana 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. This Ordinance shall be recorded by the Village Clerk in the Village Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Village President and Village Clerk, and shall be published once in the Village newspaper of record.

A Motion to approve Village of Cass City, MI Ordinance No. 181, AN ORDINANCE TO AMEND THE VILLAGE OF CASS CITY CODE OF ORDINANCES, CHAPTER 48 Marijuana, ARTICLE I, Recreational, SECTION 4-1 to 4.2, ENTITLED “Opt-Out of Michigan regulation and Taxation of Marijuana,

Was offered by Trustee Ball and supported by Trustee Kirn

**Ayes: Trustees Ball, Herron, Kirn, Leeson, Piaskowski, Zawilinski
and President Delamarter**

Nays: None

Ordinance Adopted as presented.

Effective: Immediately upon adoption by the Cass City Village Council.

Daniel Delamarter

President, Village of Cass City

Nanette Walsh

Clerk/Treasurer, Village of Cass City

CERTIFICATION

I, the undersigned duly appointed Village Clerk of the Village of Cass City, County of Tuscola, State of Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the Village on _____, 2019, and that such ordinance was entered with the Ordinance Book of the Village on _____, 2019.

Dated: _____, 2019

_____, _____ Clerk