

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DURAND, MICHIGAN BY AMENDING SECTION 18-38 ARTICLE II OF CHAPTER 18 AND INSERTING SECTION 18-757 ARTICLE XVIII OF CHAPTER 18 ET SEQ. TO DEFINE SPECIFIC PROVISIONS AND REGULATE MEDICAL AND RECREATIONAL MARIJUANA FACILITIES.

THE CITY COUNCIL OF THE CITY OF DURAND ORDAINS AS FOLLOW:

Section 1. Addition of Section 757 to Chapter 18. Section 757, "Prohibition of Marihuana Establishments," is added to Chapter 18, "Business," of the Code of Ordinances of the City of Durand to read as follows:

SECTION 757 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 Durand.
- (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 of Durand shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City of Durand to the extent provided by the Act, and does not supersede rights and obligations under Michigan law [and Section of Chapter of this Code of Ordinances 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. Addition of Section to Chapter 18. Section 757, "Prohibition on Sale and Consumption of Marihuana in Public Places," is added to Chapter 18, "Business," of the Code of Ordinance of the City of Durand of to read as follows:

SECTION 757 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 of Durand.
- (B) [Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may not be consumed at any festival or activity by the City of Durand.
- (C) Any person who violates any of the provisions of this section shall be responsible for a misdemeanor punishable by up to 90 days in jail and 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 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.

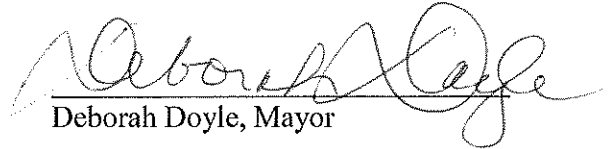
Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

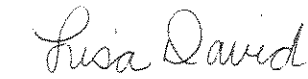
Section 4. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

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

ORDINANCE DECLARED ADOPTED.

Dated: 10/7, 2019



Deborah Doyle, Mayor


Lisa David, City Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Durand, County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____
The Independent, a newspaper of general circulation in the City of Durand on October 13, 2019, and that such ordinance was entered with the Ordinance Book of the City of Durand on 10/8, 2019.

Dated: Oct 08, 2019


Lisa David, City Clerk