

Oak Park

Special Council Meeting

February 4, 2019



NOTICE

SPECIAL MEETING OF THE 37th OAK PARK CITY COUNCIL

February 4, 2019

5:30 PM

Notice is hereby given that a Special Meeting of the Oak Park City Council is scheduled for February 4, 2019 at 5:30 PM and will be held in the Executive Conference Room of Oak Park City Hall, 14000 Oak Park Blvd., Oak Park, Michigan 48237.

The purpose of the Special Meeting is to conduct the following Special Business:

- A. **CLOSED SESSION**
Pursuant to Section 8 of the Open Meetings Act to convene into a Closed Session to discuss Attorney Client Privileged Communication and pending litigation
- B. Discuss Oak Park response to Michigan Regulation and Taxation of Marihuana Act of 2018
- C. **FIRST READING OF AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 50, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ADD A NEW DIVISION 6, "MARIHUANA ESTABLISHMENTS PROHIBITED," TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ.; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE**
- D. **FIRST READING OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, TO ADD A NEW DEFINITION IN ARTICLE II OF THE TERM "MARIHUANA ESTABLISHMENT" AND TO AMEND ARTICLE XVII, GENERAL PROVISIONS, TO ADD A NEW SECTION 1728, "MARIHUANA ESTABLISHMENTS PROHIBITED", TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ**

Notice of the above meeting of the City of Oak Park is given in compliance with the Charter, Section 7.2, and with provisions of Public Act No. 267 of 1976, as amended.

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. The City will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Special Council Meeting will be made with prior notice.


Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
37TH OAK PARK CITY COUNCIL
February 4, 2019
5:30 PM**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. SPECIAL BUSINESS:**
 - A. CLOSED SESSION**

Pursuant to Section 8 of the Open Meetings Act to convene into a Closed Session to discuss Attorney Client Privileged Communication and pending litigation
 - B. Discuss Oak Park response to Michigan Regulation and Taxation of Marihuana Act of 2018**
 - C. FIRST READING OF AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 50, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ADD A NEW DIVISION 6, "MARIHUANA ESTABLISHMENTS PROHIBITED," TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ.; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE**
 - D. FIRST READING OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, TO ADD A NEW DEFINITION IN ARTICLE II OF THE TERM "MARIHUANA ESTABLISHMENT" AND TO AMEND ARTICLE XVII, GENERAL PROVISIONS, TO ADD A NEW SECTION 1728, "MARIHUANA ESTABLISHMENTS PROHIBITED", TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ**
- 4. CALL TO THE AUDIENCE**

Each speaker's remarks are a matter of public record; and the speaker, alone, is responsible for his or her comments; the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. There is a three minute time limit per speaker.
- 5. ADJOURNMENT**

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-19-

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 50, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ADD A NEW DIVISION 6, "MARIHUANA ESTABLISHMENTS PROHIBITED," TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ.; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Article V of Chapter 50, Offenses and Miscellaneous Provisions, of the Code of Ordinances, City of Oak Park, is hereby amended to add a new Division 6, "Marihuana Establishments Prohibited," to read as follows:

Sec. 50-266. – Marihuana Establishments Prohibited.

- (a) *Definitions.* Words used in this section shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.
- (b) *Prohibition.* Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marihuana establishments are prohibited within the boundaries of the City of Oak Park.
- (c) *Penalty.* A person who violates this section shall be responsible for a municipal civil infraction punishable as set forth in Chapter 3 of this code.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this XX day of February, 2019.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on

T. EDWIN NORRIS, City Clerk

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. 0-19-

AN ORDINANCE TO AMEND THE CITY OF OAK PARK CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, TO ADD A NEW DEFINITION IN ARTICLE II OF THE TERM “MARIHUANA ESTABLISHMENT” AND TO AMEND ARTICLE XVII, GENERAL PROVISIONS, TO ADD A NEW SECTION 1728, “MARIHUANA ESTABLISHMENTS PROHIBITED”, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Appendix A – Zoning Ordinance, Article II, Definitions, Section 203 – Definitions H through M, of the Code of Ordinances, City of Oak Park, is hereby amended to add the newly defined term “Marihuana establishments” in alphabetical order with all other existing definitions, which newly defined terms shall read as follows:

Marihuana establishments. Those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION 2. Ordinance – Appendix A – Zoning Ordinance, Article XVII, General Provisions, of the Code of Ordinances of the City of Oak Park, is hereby amended to add a new Section 1728, “Marihuana Establishments Prohibited”, to read as follows:

Sec. 1728. – Marihuana Establishments Prohibited

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marihuana establishments are prohibited within the boundaries of the City of Oak Park.

SECTION 3. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 4. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion

of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 5. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this XX day of February, 2019.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, **T. EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on

T. EDWIN NORRIS, City Clerk