

**MARIHUANA ORDINANCE
CITY OF GRAYLING, MICHIGAN
eff. _____, 2019**

An ordinance to prohibit individuals or entities from obtaining licenses to operate marihuana establishments and to prohibit the sale and consumption of marihuana in public places, as authorized under the Michigan Regulation and Taxation of Marihuana Act.

THE CITY OF GRAYLING ORDAINS

Sec. 1. DEFINITIONS

“Marihuana” means that term as defined in the Michigan Regulation and Taxation of Marihuana Act. The term excludes a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

“Marihuana Establishment” means that term as defined in the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. PROHIBITION OF MARIHUANA ESTABLISHMENTS

Marihuana Establishments are prohibited within the boundaries of the City of Grayling. It is a violation of this Ordinance for a person to apply for a state or local license to operate a Marihuana Establishment within the boundaries of the City of Grayling.

Sec. 3. PROHIBITION OF MARIHUANA SALES IN PUBLIC

It is a violation of this Ordinance for a person to sell or display marihuana for sale in a public place within the boundaries of the City of Grayling.

Sec. 4. PROHIBITION OF MARIHUANA CONSUMPTION IN PUBLIC

It is a violation of this Ordinance for a person to consume marihuana in a public place within the boundaries of the City of Grayling.

Sec. 5. RIGHTS AND OBLIGATIONS UNDER MICHIGAN LAW

Nothing in this Ordinance supersedes those rights and obligations expressly provided under Michigan law, including those regarding the transportation of marihuana or those regarding the medical use of

marihuana; provided, however, that this ordinance is intended to restrict the use and sale of marihuana in public places to the fullest extent that is authorized under Michigan law. This Ordinance shall not be read as expanding or granting any right or privilege that is not otherwise expressly provided under Michigan law.

Sec. 6. **ENFORCEMENT AND PENALTIES**

A person who violates any of the provisions of this Section shall be responsible for a municipal civil infraction punishable by a civil fine of Five Hundred (\$500.00) Dollars, plus court costs. A violation of this ordinance shall also be deemed a nuisance per se.

A violation of this Ordinance shall also subject the offender to the sanctions contained in Section 9.7 of the City of Grayling Zoning Ordinance.

The City of Grayling shall reserve the right to exercise any and all remedies it may have at law or equity, including injunctive relief against any person to be in violation or about to be in violation of this ordinance. Such persons shall, including any another punishment imposed by a court of competent jurisdiction, pay all costs and expenses, directly and or indirectly, which the City of Grayling incurs in connection with a violation of this Ordinance

Each day during which any violation continues shall be deemed a separate offense.

This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the City of Grayling, a City of Grayling Police Officer, the City of Grayling Manager or by such other person(s) as designated by the City Manager.

Sec. 7. **SEVERABILITY**

The provisions of this Ordinance are severable and if any portion shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance.

Sec. 8. **EFFECTIVE DATE.**

This Ordinance shall take effect after legal publication in accordance with the City Charter.

RESOLUTION TO ADOPT OFFERED BY _____

SECONDED BY:

AYES:

NAYES:

DRAFT

ORDINANCE DECLARED ADOPTED: _____

DATE

Heather Forbes
Mayor

Lisa Johnson
City Clerk

CERTIFICATION

I, Lisa Johnson, the duly appointed City Clerk of the City of Grayling, Crawford County, Michigan, certify that the above Ordinance, or a summary, was published in the Crawford County Avalanche, a newspaper of general circulation in the City of Grayling, on _____, 20____, and that such Ordinance was entered with the Ordinance book of the City of Grayling on _____, 20____.

Lisa Johnson

City Clerk