

**ORDINANCE
NO. 2019-227**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A NEW SECTION WHICH
NEW SECTION SHALL BE DESIGNATED AS SECTION 155.297 (when codified) OF SAID ZONING
ORDINANCE**

THE CITY OF WAKEFIELD HEREBY ORDAINS:

Section (1). Addition to Zoning Ordinance "Prohibition of Recreational Marihuana Establishments," is added to the zoning ordinance of the City of Wakefield to read as follows:
SECTION 155.297 (when codified) 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 155.147 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 155.199 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 All ordinances or parts of ordinances in conflict with this ordinance are repealed.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.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Wakefield this 8th day of April 2019

First Reading: March 11, 2019

Public Hearing: April 8, 2019

Second Reading: April 8, 2019

Published: April 11, 2019

ATTEST:

Susan Ahonen

Susan Ahonen, City Clerk

