

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 17-636

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE 1, SECTION 94-5, ENTITLED
“DEFINITIONS; MEDICAL MARIHUANA DISPENSARY” AND CHAPTER 94,
ARTICLE 12, SECTION 94-358, ENTITLED “PROHIBITION ON MEDICAL
MARIHUANA DISPENSARIES” OF THE CODE OF THE CITY OF WALKER

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Code. That the definition of “Medical Marihuana Dispensary” contained in Chapter 94, Article 1, Section 94-5 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Medical marihuana dispensary. Any business, facility, association, cooperative, firm business, location, or operation, whether fixed or mobile, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

(1) A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for and authorized pursuant to Michigan Initiated Law 1 of the Public Acts of 2008, as amended).

(2) A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for and authorized pursuant to Michigan Initiated Law 1 of 2008, as amended).

(3) Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed by three or more persons at one time.

A medical marihuana dispensary shall not be deemed to include (i) a qualifying patient’s medical use of marihuana in strict compliance with Michigan Initiated Law 1 of 2008, as amended, and all applicable state and local laws, (ii) the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in strict compliance with Michigan Initiated Law 1 of 2008, as amended, and all applicable state and local laws, or (iii) any other action taken or permitted in strict compliance with Michigan Initiated Law 1 of 2008, as amended and all applicable state and local laws.

Section 2. Amendment of Code. Chapter 94, Article 12, Section 94-358 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Prohibition on Marihuana Facilities

(a) Purpose. The purpose of this section is to prohibit marihuana facilities within the City of Walker in accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as amended and the Medical Marihuana Facilities Licensing Act, Act No. 281 of 2016, as amended.

(b) Authority. The City of Walker adopts this section pursuant its authority under the City of Walker Charter and Michigan law including, without limitation, the Medical Marihuana Facilities Licensing Act, Act No. 281 of 2016, as amended.

(c) Prohibition. No marihuana facility or medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the City of Walker. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a marihuana facility or medical marihuana dispensary within the city shall be guilty of a criminal misdemeanor and shall, upon conviction, be subject to up to 93 days in jail, paying a fine of up to a \$500.00, or both such fine and jail, as well as any other fines, costs, or penalties imposed by law.

As used in this section, “marihuana facility” shall have the same meaning as that term is used in the Medical Marihuana Facilities Licensing Act, Act No. 281 of 2016, as amended.

Section 2. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days following the publication of lawful notice of its adoption in a newspaper of general circulation in the City of Walker. Effective Date: 7-31-2017