

18-099 Moved by Mayor Pro-tem Randy Odette, seconded by Sikes, to approve the amendment to the Woodhaven Code of Ordinances, by adding Sections 22-181-183 of Chapter 110 and titling it Marijuana Production and Sale Business Regulation:

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF WOODHAVEN**

THE CITY OF WOODHAVEN ORDAINS:

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF WOODHAVEN BY ADDING SECTIONS 22-181-183 OF CHAPTER 110 AND TITLING IT Marijuana Production and Sale Business Regulation

Sec. 22-181 Findings.

a) The Michigan Medical Marihuana Act, Initiated Law 1 of 2008; MCL §333.26421, et seq., referred to as the Medical Marihuana Act, was approved by the electors of the State of Michigan to allow under State law, the possession, use, cultivation, and distribution of marihuana by registered qualifying patients and registered primary caregivers as provided in the Medical Marihuana Act.

b) The Michigan Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL §333.27101, et seq., referred to as the Medical Marihuana Facilities Act, was enacted to license and regulate under State law, medical marihuana facilities listed as growers, processors, provisioning centers, secure transporters, and safety compliance facilities for commercial medical marihuana transactions as provided by the Medical Marihuana Facilities Act; and further provides that a State operating license shall not be issued for a medical marihuana facility to operate within a municipality unless the municipality has adopted an ordinance authorizing the operation of that type of facility.

c) The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, referred to as the Marihuana Act, was approved by the electors of the State of Michigan to allow under State law, the possession, use, cultivation, processing, transportation, and sale of marihuana by persons 21 years of age or older; and the operation of State licensed marihuana establishments listed as marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or other marihuana related business licensed by the State; and further provides in Section 6.1 that a municipality may completely prohibit marihuana establishments within its boundaries.

a) It is the intent of this Article to comply with all Michigan marihuana laws and to protect the public health, safety, and general welfare of persons and property in the community. b) Nothing in this Article shall be construed to undermine or provide immunity from an applicable State or federal law that may be enforced by federal, State, or local government. c) The adoption of this ordinance shall not have the effect of superseding or nullifying State or federal law applicable to the possession, use, cultivation, processing, transportation, distribution, or sale of marihuana.

22-182 MEDICAL MARIHUANA FACILITIES

As authorized by the Michigan Medical Marihuana Facilities Licensing Act, the City elects to prohibit any medical marihuana facility as defined by the Act from operating within the boundaries of the City.

22-183 MARIHUANA ESTABLISHMENTS

Marihuana Establishments Not Permitted. As authorized by the Michigan Regulation and Taxation of Marihuana Act, the City elects to prohibit any marihuana establishment as defined by the Act from operating within the boundaries of the City.

Section 22-184 SEVERABILITY

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

Section 22-185 EFFECTIVE DATE

This ordinance shall become effective ten days after enactment.

AYES: Mayor Pro-tem Randy Odette, Sikes, Bono-Beaton, Penix, Belcher

NAYS: Papineau

ABSENT: Mayor Patricia Odette

EFFECTIVE DATE: This Ordinance amendment was introduced on November 20, 2018 and adopted on December 4, 2018. The effective date of this ordinance shall be December 14, 2018.

MOTION CARRIED UNANIMOUSLY.