

## ORDINANCE NO. 548

### AN ORDINANCE TO ADD CHAPTER 58, ARTICLE IX, SECTIONS 58- 178 – SECTIONS 58-180, INCLUSIVE, TO THE CITY OF BELDING CODE OF ORDINANCES TO PROHIBIT MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES IN THE CITY OF BELDING

#### THE CITY OF BELDING ORDAINS:

##### Section 1. Addition of Chapter 58, Article IX.

That the Code of Ordinances is hereby amended by adding a new Chapter 58, Article IX, Sections 58-178 – Section 58-180, inclusive; such sections to read as follows:

#### ARTICLE IX.               MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES.

##### **Sec. 58-178. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*
- (b) *Marihuana establishment* means that term as defined in the MRTMA.
- (c) *Marihuana facility* means that term as defined in the MMFLA.
- (d) *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- (e) *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
- (f) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

##### **Sec. 58-179. Marihuana Establishments and Marihuana Facilities Prohibited.**

- (a) Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the City of Belding.
- (b) Marihuana facilities are prohibited within the boundaries of the City of Belding.

##### **Sec. 58-180. Rights Unaffected by Article.**

- (a) Except as specifically provided in Section 58-179 above, this article shall not affect the rights or privileges of any individual or other person preserved under the MRTMA.
- (b) This article does not affect the rights or privileges of a marihuana facility outside of the City of Belding to engage in activities within the City of Belding that it is permitted

to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.

(c) This article does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.

(d) This article does not affect the rights or privileges of any individual or other person under the IHRA.

(e) This article does not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

**Section 2. Effective Date.**

This ordinance is declared to be an emergency ordinance and shall become effective upon its publication in a newspaper of general circulation in the City of Belding on December 6, 2018.

YEAS: Council Members Scheid, Davis, Meyers and Miller

NAYS: Council Member Feehan

ABSENT: None

**ORDINANCE DECLARED ADOPTED.**

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance approved by the City Council of the City of Belding, Michigan, at a regular meeting conducted and public notice given on December 4, 2018, as provided by of the Open Meetings Act, being act 267, Public Acts of Michigan, 1976, as amended,

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Kareen Thomas, City Clerk