

CITY OF IRON RIVER

The City will hold a **public hearing** to consider the adoption of proposed Ordinance No. 2019-01 which would have the City “opt-out” of the commercial provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA), otherwise known as the Recreational Marihuana Initiative. The hearing is scheduled for Wednesday, March 20, 2019 at 2 p.m. in the Council Chambers in City Hall, located at 106 W. Genesee Street, Iron River, Michigan 49935. Written comments can be sent to the City Clerk at the fore mentioned address or at clerk@ironriver.org.

Chapter 112 is added to **TITLE XI, BUSINESS REGULATION**, of the City of Iron River Code of Ordinances to read as follows:

Section 112.01 Prohibition of marihuana establishments

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the “Act”), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City.
- (B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent provided by the Act and does not supersede rights and obligations under Michigan law with allowing for or regulating marihuana for medical use.

Section 112.02 Prohibition on sale and consumption of marihuana in public places

- (A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, except as otherwise provided in this section, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City.
- (B) Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may not be consumed on any public property, including but not limited to, city parks, county fairgrounds, city buildings, or public areas accessible by persons under 21 years of age.
- (C) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- (D) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 112.03 Synonymous words

The spelling of the words marihuana and marijuana are synonymous and are meant to mean the same for the purposes of this ordinance.

Section 112.04 Federal law

The City recognizes and accepts that the federal government regulates marihuana as a Class 1 drug and as an illegal substance to process, manufacture, sell, or distribute.

Section 112.05 Conflict and repeal

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 112.06 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 112.07 Publication

After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in the *Iron County Reporter*, a newspaper of general circulation in the City.

(30)