

Village of Cass City, MI Ordinance No. 182

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES

OF THE VILLAGE OF CASS CITY

BY ADDING A NEW SECTION,

WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 46.489 OF CHAPTER 46 OF SAID CODE

THE VILLAGE OF CASS CITY ORDAINS:

Section 1. Addition of Section 46.489 to Chapter 46, Article IV, “Prohibition of Recreational Marijuana Establishments,” is added to Chapter 46, Zoning, Article 1V, Supplementary Regulations, of the Code of Ordinances of the Village of Cass City (hereinafter “Village”) to read as follows:

SECTION 46.489 PROHIBITION OF RECREATIONAL MARIJUANA ESTABLISHMENTS

- (A) Marijuana Establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marijuana Act (the “Act”), are prohibited in all zoning districts in the Village, and shall not be permitted as home occupations under Section 3 of this Chapter.
- (B) No use that constitutes or purports to be a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter or any other type of marijuana 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 Village Code of 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 46.54 of this Chapter and if provided for separately may be abated as nuisances pursuant to Section 46.54.
- (D) This section does not supersede rights and obligations with respect to the transportation of marijuana by marijuana secure transporters

through the Village to the extent provided by the Act, and does not supersede rights and the regulations under Section 2 of this Chapter with respect to medical marijuana facilities established pursuant to the Michigan Medical Marijuana Act and the Medical Marijuana Facilities Licensing 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 All ordinances or parts of ordinances in conflict with this ordinance are repealed.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. This Ordinance shall be recorded by the Village Clerk in the Village Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Village President and Village Clerk, and shall be published once in the Village newspaper of record.

A Motion to approve Village of Cass City, MI Ordinance No. 182, AN ORDINANCE TO AMEND THE VILLAGE OF CASS CITY CODE OF ORDINANCES, CHAPTER 46, Zoning, ARTICLE IV, Supplementary Regulations, SECTION 4-489 ENTITLED “Prohibition of Recreational Marijuana Establishments in all Zoning Districts,

Was offered by Trustee Herron and supported by Trustee Ball

**Ayes: Trustees Ball, Herron, Kirn, Leeson, Piaskowski, Zawilinski
and President Delamarter**

Nays: None

Ordinance Adopted as presented.

Effective: Immediately upon adoption by the Cass City Village Council.

Daniel Delamarter

President, Village of Cass City

Nanette Walsh

Clerk/Treasurer, Village of Cass City

Dated: January 29, 2019

CERTIFICATION

I, the undersigned duly appointed Village Clerk of the Village of Cass City, County of Tuscola, State of Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the Village on _____, 2019, and that such ordinance was entered with the Ordinance Book of the Village on _____, 2019.

Dated: _____, 2019

_____, _____ Clerk