

CITY OF ALBION ORDINANCE 2019-2

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS AND CREATE ARTICLE VI OF CHAPTER 22 OF THE ALBION CODE OF ORDINANCES

FINDINGS AND PURPOSE: As the council is aware, in the November 2018 general election the voters approve Proposition 1, also referred to as the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The MRTMA essentially legalizes recreational marijuana use and possession in specified amounts for individuals who are 21 or over. It also creates various facilities for the growth and production of recreational marijuana. These facilities share many common characteristics as the medical marijuana facilities. As with the medical marijuana facilities the Michigan Department of Licensing Affairs (LARA) has been tasked with the development of administrative rules to govern these new facilities. These rules, however, are not anticipated to be in place with the State until late 2019 or early 2020. As such, it would be inadvisable to have unregulated facilities in the City. Unlike medical marijuana facilities, municipalities must opt out of the recreational marijuana facilities. It is recommended that the City opt out of permitting recreational facilities until LARA develops rules to regulate the facilities at the state level. This opt out would not in any way affect the medical marihuana facilities already in place under the Medical Marihuana Facilities Licensing Act (MMFLA) and our local ordinance(s) which regulate facilities established under the MMFLA. This ordinance also would not affect those rights afforded to individuals under the MRTMA.

THE CITY OF ALBION ORDAINS THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY ADDING ARTICLE VI TO CHAPTER 22, WHICH READS AS FOLLOWS:

Section 1:

CHAPTER 22, ARTICLE VI: PROHIBITION OF MARIHUANA ESTABLISHMENTS

1. Pursuant to Section six (6), subsection (1) one of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) (also referred to as Proposition 1 of 2018), the City of Albion hereby prohibits marihuana establishments, as defined in Section three (3), subsection (h) of the MRTMA, within the City of Albion.
2. Nothing in this Ordinance shall be construed to prohibit marihuana facilities, as defined and authorized by Chapter 22, Article V of the City of Albion Code of Ordinances.

Section 2: Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

This Ordinance shall take effect March 4, 2019 after publication.


First Reading:
January 7, 2019

Ayes 6
Nays 0
Absent 0


Jill Domingo,
City Clerk

Second Reading & Adoption:
February 4, 2019

Ayes 6
Nays 0
Absent 0


David Atchison,
Mayor