

ORDINANCE NO. 2018 - 09

CITY OF ST. CLAIR

COUNTY OF ST. CLAIR, MICHIGAN

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 18 “BUSINESSES” BY ADDING ARTICLE VII “RECREATIONAL MARIHUANA ESTABLISHMENTS” TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018.

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Chapter 18, “Businesses,” of the Code of Ordinances is hereby amended by adding Article VII to read as follows:

ARTICLE VII -- RECREATIONAL MARIHUANA ESTABLISHMENTS

Sec. 18-401. NAME.

This Ordinance is known as the City of St. Clair Prohibition of Marihuana Establishments Ordinance.

Sec. 18-402. PURPOSE.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018, the City of St. Clair elects to prohibit recreational marihuana establishments within its boundaries.

Sec. 18-403. AUTHORITY.

This Ordinance is adopted under the City of St. Clair’s authority to preserve the public peace, health, safety and welfare pursuant to Public Act 279 of 1909, the Home Rule City Act, MCL Section 117.1 *et seq.* and the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018.

Sec. 18-404. GEOGRAPHIC AREA.

This Ordinance shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of the City of St. Clair to the fullest extent allowed by law.

Sec. 18-405. PENALTY.

Any person or entity that violates this Ordinance is responsible for a municipal civil infraction and a fine not to exceed \$500.00. Nothing in this Ordinance prohibits enforcement for injunctive and declaratory relief in a court of competent jurisdiction.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. CONSISTENCY AND REPEAL.

All existing Ordinances or parts of Ordinances are to be interpreted as consistent with this Ordinance and the laws of the State of Michigan. Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance results in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018 or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

SECTION 4. RATIFICATION.

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect in accordance with the provisions and requirements of the City of St. Clair Charter Section 5.10.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a special meeting of the City Council held on the 3rd day of December, 2018, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Mayor Cedar, Ellery, Kindsvater, Klieman, Kuffa, McCartney
Members Absent: Member LaPorte

It was moved by Member Kindsvater and supported by Member Kuffa to adopt the Ordinance.

Members voting yes: Kindsvater, Kuffa, McCartney, Ellery, Cedar
Members voting no: Klieman

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: December 3, 2018
ADOPTED: December 3, 2018
PUBLISHED: December 12, 2018
EFFECTIVE: December 03, 2018