

**CITY OF JONESVILLE
ORDINANCE NO. 217**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF JONESVILLE BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 2.35 OF CHAPTER 2 OF SAID ORDINANCE

THE CITY OF JONESVILLE ORDAINS:

Section 1. Amend Chapter 1, “Definitions,” to add the following:

MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ACT

The Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, (MCL 333.27101 et. Seq.) is legislation to allow under state law the Establishment of Licensed Medical Marihuana Facilities for the purpose of cultivation, testing, transportation, and provision of marihuana for medical use; pursuant to the provisions of the MMFLA, the City of Jonesville has not adopted an ordinance authorizing the establishment of Medical Marihuana Facilities as defined in the MMFLA.

Section 2. Addition of Section 2.35 to Chapter 2. Section 2.35, “Prohibition of Marihuana Establishments,” is added to Chapter 2 of the Zoning Ordinance of the City of Jonesville to read as follows:

SECTION 2.35 PROHIBITION OF MARIHUANA ESTABLISHMENTS

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 2.22 of this Chapter.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana 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 City Code of Ordinances and/or Zoning Ordinance; 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 Chapter 18 of this Ordinance and may be abated as nuisances pursuant to Section 18.04.
- D. This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Act, and does not supersede rights and obligations under Michigan law allowing for or regulating marihuana for medical use.

Section 3. Addition of Section 2.36 to Chapter 2. Section 2.36, “Prohibition of Medical Marihuana Facilities Establishments,” is added to Chapter 2 of the Zoning Ordinance of the City of Jonesville to read as follows:

SECTION 2.36 PROHIBITION OF MEDICAL MARIHUANA FACILITIES ESTABLISHMENTS

- A. Medical Marihuana Facilities establishments, as authorized by and defined in the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et. Seq. (the “MMFLA”), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 2.22 of this Chapter.
- B. No use that constitutes or purports to be a Marihuana Facility as defined in the MMFLA, 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 City Code of Ordinances and/or Zoning Ordinance; 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 Chapter 18 of this Ordinance and may be abated as nuisances pursuant to Section 18.04.

Section 4. Conflict and Repeal.

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

Section 5. Publication.

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

Section 6. Effective Date.

This ordinance shall be in force and effect seven (7) days after its publication in a newspaper of general circulation within the City.

YEAS:

NAYS:

ORDINANCE DECLARED ADOPTED ON _____, 201__.

Gerald E. Arno, Mayor

Cynthia D. Means, Clerk

CERTIFICATION

I, Cynthia D. Means, being Clerk of the City of Jonesville do hereby certify that the foregoing is a true and correct copy of the City of Jonesville Ordinance No. 216, passed on the ____ day of _____. 201__.

Further, I certify that I caused the same to be published in a newspaper of general circulation within fifteen (15) days after adoption by the City Council of the City of Jonesville, County of Hillsdale and State of Michigan.