

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-18-09**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING A NEW ARTICLE IV UNDER CHAPTER 8 AND A NEW SECTION 8-60 PROHIBITING MARIHUANA ESTABLISHMENTS WITHIN THE CITY.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED 8-60, WHICH SHALL READ AS FOLLOWS:

SECTION I.

ARTICLE IV. MARIHUANA ESTABLISHMENTS.

Sec. 8-60. Prohibition of Marihuana Establishments.

(a) Purpose and Finding of Emergency. The State of Michigan has recently enacted Initiated Law 1 of 2018 and the related Michigan Regulation and Taxation of Marihuana Act (hereafter the "Act"). These will take effect ten (10) days after the certification of the November 6, 2018 Election.

Pursuant to the Act, persons may apply to the State of Michigan for licenses for the operation of marihuana establishments within the twelve (12) months of the Act's effective date. Yet, no administrative rules have been promulgated by the State to ensure the safety, security, and integrity of marihuana establishments. Additionally, if the State is unable to review all applications for marihuana establishments, then municipalities are required to review said applications to determine eligibility for a license.

Given the lack of administrative rules, the lack of clear legal guidance on how to administer the Act, and the administrative burden that would be imposed on the City should this section not otherwise be adopted, the City adopts this section to protect the health, safety, and welfare of its residents and of all who are interested in the City's best interests. Further, in light of the foregoing, the City adopts this section on an emergency basis to enable the City to have the opportunity to study and fully consider the Act and how it can best be approached in the City.

(b) Prohibition of Marihuana Establishments. Pursuant to Section 6.1 of the Act, the City elects to prohibit within its boundaries marihuana establishments as defined by the Act.

(c) Violations. Any person who disobeys, neglects, or refuses to comply with any provision of this section or who causes, allows, or consents to same shall be deemed to be responsible for violating this section. A violation of this section is a nuisance per se. Each day during which any violation continues shall be deemed a separate offense.

(d) Penalty and Other Remedies. A violation of this section is a municipal civil infraction punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), in the discretion of the court. Plus, one found responsible for violating this section shall pay all costs which may include all expenses, direct or indirect, which the City incurs in connection with the violation. Further, the foregoing fines and costs shall be in addition to the rights of the City to pursue in law or in equity other appropriate and proper remedies. These rights are preserved even with the adoption of this section. Without limiting the scope of these remedies, these additional remedies include injunctive relief and such other relief as may be provided by law.

(e) Enforcement. Both the City's Police Department and the City's Department of Ordinance Enforcement shall have the authority to enforce this section.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.


DANIEL S. PALETKO, Mayor


WALTER J. PRUSIEWICZ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the 11th day of December, 2018, and became effective by publication in the official newspaper of the City of Dearborn Heights and/or by publication as otherwise permitted by the City Charter on the 13th day of December, 2018.


WALTER J. PRUSIEWICZ, Clerk

Publication Date: December ²⁰~~13~~, 2018.