

AN ORDINANCE REPEALING THE CITY OF BROWN CITY
MEDICAL MARIJUANA DISPENSARIES ZONING ORDINANCE, CHAPTER 152
OF THE ZONING CODE, SECTION 152.300 AND ADDING A NEW
SECTION 15.025 PROHIBITED LAND USES

Recitals

Whereas, the Department of Justice District Offices have issued clarifying letters regarding enforcement of the Controlled Substance Act directing that Marijuana Growing Facilities and Dispensaries are a violation of Federal Controlled Substance act and have further clarified that the Department of Justice is Committed to Enforcement of the Controlled Substance act; and

Whereas, the Michigan Zoning Enabling Act, 110 of 2006, provides the approval of a land use or activity must be in compliance with the standards stated in the zoning ordinance, and in compliance with state and federal statutes; and

Whereas, the Michigan Medical Marijuana Act, initiated law 1 of 2008, MCL 333.26421, et seq does not address land uses for medical marijuana dispensaries; and

Now Therefore, based upon clarification from the United States Department of Justice, the City of Brown City repeals Chapter 152 of the Zoning Code, Section 152.300 that allows Medical Marijuana Dispensaries including all its subparts and adopts a new Zoning Ordinance Section 15.025 Prohibited Land Uses amending the City of Brown City Zoning Ordinance as follow:

THE CITY OF BROWN CITY ORDAINS:

Section 1. The City of Brown City has adopted a zoning ordinance regulating the development and use of land through its legislative body in the City of Brown City, Sanilac County, Michigan.

Section 2. Zoning Ordinance Section 152.300 provides for Medical Marijuana Dispensaries and upon review of clarification positions from the US Department of Justice, Section 152.300 and all subparts is repealed in its entirety.

Section 3. A new section is added to the City of Brown City Zoning Ordinance, Chapter 152, Section 15.025 “Prohibited Uses” as follows:

Section 15.025. Prohibited Land Uses – Each district and zoning use shall be subject to the regulations and requirements contained in the City of Brown City Zoning Ordinance. Uses not expressly permitted are prohibited. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.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 5. Should any portion of this ordinance held invalid for any reason, such holding shall be construed as affecting the validity of any of the remaining portions of this ordinance.

Section 6. This amendment to the existing City of Brown City Zoning Ordinance shall prohibit all uses that are contrary to federal, state or local laws or ordinances. This amendment shall apply to all geographic zones and districts.

Section 7. The effective date of the ordinance or amendment shall be thirty days after adoption and publication as required by law.

Section 8. A copy of the zoning ordinance and this amendment may be inspected, or purchased at the business office of the City of Brown City, 4205 Main Street, Brown City, MI 48416 during business hours. Phone (810) 346-2325.

MOTION AND VOTE:

Moved by Councilmember Walters, second by Councilmember Navock to adopt Ordinance Section 15.025 PROHIBITED LAND USES.

Roll Call vote on this Ordinance, with six (6) members being present, was as follows:

Yeas:	<u>6</u>	Nays:	<u>0</u>
Abstain:	<u>0</u>	Absent:	<u>0</u>

Certification

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Section 15.025 PROHIBITED LAND USES of the Brown City Code, duly adopted by the City Council at a regular meeting of the City Council held at the City Hall on the 11th day of July, 2011.

I do hereby further certify that the said Amended Brown City Code Section 15.025 PROHIBITED LAND USES was published as required by the Brown City Charter in *The Banner*, a paper published and circulated in the City of Brown City, County of Sanilac, Michigan, on the 25th day of July, 2011.

Witness my official signature this _____ day of July, 2011.

Kelly Pavel
City Clerk
City of Brown City