

**VILLAGE OF VICKSBURG
KALAMAZOO COUNTY, MICHIGAN**

ORDINANCE NO. 287

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF VICKSBURG BY ADDING A NEW SECTION WHICH SHALL BE DESIGNATED AS CHAPTER 14 BUSINESSES, ARTICLE V MARIHUANA ESTABLISHMENTS / OPERATIONS AND CHAPTER 38 OFFENSES AND MISCELLANEOUS OFFENSES, SECTION 38-192 PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

THE VILLAGE OF VICKSBURG ORDAINS:

Section 1. Addition of ARTICLE V to Chapter 14. ARTICLE V, “Prohibition of Marihuana Establishments,” is added to Chapter 14, “Businesses,” of the Code of Ordinances of the Village of Vicksburg to read as follows:

ARTICLE V PROHIBITION OF MARIHUANA ESTABLISHMENTS

- A. Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the “Act”), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the Village of Vicksburg.
- B. Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the Village of Vicksburg shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- C. This section does not supersede rights and obligations with respect to the transportation of marihuana through the Village of Vicksburg 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 2. Addition of Division 3 to Chapter 38. Division 3, “Prohibition on Sale and Consumption of Marihuana in Public Places,” is added to Chapter 38, Offenses and Miscellaneous Offenses,” of the Code of Ordinance of the Village of Vicksburg to read as follows:

DIVISION 3 PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

- A. In conformance with Sections 4.1(e) and 6.2(b) of the Act, except as otherwise provided in this section, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the Village of Vicksburg.

- B. Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may be consumed where approval is granted for the consumption of marihuana at a Village of Vicksburg-approved festival or activity in areas designated by the Village of Vicksburg for such festival or activity and that are not accessible to persons under 21 years of age.
- C. Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- D. This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 4. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section 5. Expiration Date. This ordinance will expire on January 31, 2020.

Section 6. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in *the Kalamazoo Gazette (MLIVE)*, a newspaper of general circulation in the Village of Vicksburg.

ORDINANCE DECLARED ADOPTED.

I hereby certify that the above Ordinance was adopted on December 17, 2018 in a regular session of the Village of Vicksburg Council, and this is a true copy of that Ordinance.

MOTION: Keller
SUPPORT: Reisterer
AYES: Bailey, Frisbie, Keller, Merrill, Reisterer, Adams
NAYS: None
ABSENT: Holmes

Tracy L. Locey

Village Clerk

CERTIFICATION

I, the undersigned duly appointed Village Clerk of the Village of Vicksburg, Kalamazoo County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in *the Kalamazoo Gazette (MLIVE)*, a newspaper of general circulation in the Village on January 8, 2018, and that such ordinance was entered with the Ordinance Book of the Village on January 9, 2018.

Dated: January 9, 2018

Tracy L. Locey, Clerk