

**CITY OF WIXOM
ORDINANCE NO. 2014-01**

ORDINANCE TO ADD TO THE CODE OF ORDINANCES FOR THE CITY OF WIXOM, TITLE 18, CHAPTER 1, TITLE, PURPOSE AND ENACTING CLAUSE, SECTION 18.01.050 TO PROHIBIT USES WHICH ARE CONTRARY TO FEDERAL, STATE OR LOCAL REGULATIONS AND ORDINANCES; TO AMEND CHAPTER 24, SECTIONS 18.24.080, 8.24.090 AND 18.24.100 TO ADD DEFINITIONS; AND TO ADD A NEW SECTION TO CHAPTER 12, GENERAL PROVISIONS, SECTION 18.12.160 RELATED TO MEDICAL MARIHUANA ACTIVITIES.

THE CITY OF WIXOM ORDAINS:

Section 1. Amendment to Chapter 1

Title 18, Chapter 1, of the Municipal Code of the City of Wixom shall be amended to add a new Section 18.01.050 as follows:

18.01.050 Compliance with Law

Uses of land, buildings or structures for purposes that are prohibited by or contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the City. However, the following are exempt from this prohibition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d):

- A. Medical marihuana activities by a registered qualifying patient as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, subject to Section 18.12.160;
- B. Medical marihuana activities, including the provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, subject to Section 18.12.160.

Section 2. Amendment to Chapter 24

Title 18, Chapter 24, Sec. 18.24.080 shall be amended to include the following definitions:

“Marihuana” or “medical marihuana” means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

“Medical marihuana activities” means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of medical marihuana by a qualifying patient or primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

Title 18, Chapter 24, Sec. 18.24.090 shall be amended to include the following definition:

“Primary caregiver” means a person who is at least 21 years old and who has agreed to assist with a patient’s medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as further defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

Title 18, Chapter 24, Sec. 18.24.100 shall be amended to include the following definitions:

“Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law.

“Registry identification card” means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or a registered primary caregiver.

Section 3. Amendment to Chapter 12

Title 18, Chapter 12, General Provisions, shall be amended to add a new Sec. 18.12.160 as follows:

Sec. 18.12.160 Medical Marihuana Activities

Medical marihuana activities shall be subject to the following limitations:

- A. Medical marihuana activities are permitted in the R-1, R-2, R-3, R-4, RM-1, RM-2 and MHP zoning districts. Medical marihuana activities are expressly prohibited in all other zoning districts.
- B. All medical marihuana activities shall be conducted in full compliance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law, as amended.
- C. All medical marihuana activities shall be conducted in full compliance with all applicable building and fire codes.
- D. Medical marihuana dispensaries, cooperatives, or other shared growing facilities are expressly prohibited.
- E. Except for the use of medical marihuana, medical marihuana activities shall not be conducted in accessory structures.

Section 6. Savings Clause.

Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 8. Adoption.

This Ordinance is hereby declared to have been adopted by the City of Wixom City Council at a meeting thereof duly called and held on the 28th day of January, 2014, and ordered to be given effect upon publication as mandated by Charter and statute.

Kevin W. Hinkley, City Mayor

Catherine Buck, City Clerk

Notice of adoption published in the Spinal Column on February 5, 2014.

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Wixom, County of Oakland, State of Michigan, at a regular meeting of the City Council duly called and held on 28th day of January, 2014.

Catherine Buck, City Clerk