

CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN

ORDINANCE NO. 12-610

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE I, SECTION 94-5 AND ARTICLE II,
SECTION 94-31 AND TO ADD ARTICLE XII, SECTION 94-358 OF THE CODE OF ORDINANCES,
CITY OF WALKER, MICHIGAN

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Chapter 94, Article I, Section 94-5. That Chapter 94, Article I, Section 94-5 of the Code of Ordinances, City of Walker, Michigan, is amended to add the following definition:

Medical marihuana dispensary. Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

1. A primary caregiver (i.e., 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 provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed by three or more persons at one time.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Chapter as well as all other applicable City ordinances and applicable laws, rules and regulations.

Section 2. Amendment of Chapter 94, Article II, Section 94-31. That Chapter 94, Article II, Section 94-31 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

A. It is hereby provided that the provisions of this Chapter shall be administered and enforced by the building official and designees of the same. The building official shall, among other duties, interpret this Chapter, and issue all permits and notices of violation provided for in this Chapter.

B. Any use, use of land, activity, structure, or development activity not expressly allowed by this Chapter is prohibited, unless the building official finds that the use is substantially similar in character to a use or item listed in this Chapter. An individual may apply to the Planning Commission for consideration of an amendment to this Chapter to include a proposed use in one or more of the zoning districts of this Chapter, either as a permitted use or a special land use. At their option and discretion, the Planning Commission and City Commission may consider an amendment to this Chapter, but are not required to do so.

Section 3. Addition of Chapter 94, Article XII, Section 94-358. That Chapter 94, Article XII, Section 94-358 is hereby added to the Code of Ordinances, City of Walker, Michigan to read in its entirety as follows:

Section 94-358 Prohibition on medical marihuana dispensaries.

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the City. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a medical marihuana dispensary within the City shall be guilty of a criminal misdemeanor and shall, upon conviction, be subject to spending up to 93 days in jail, paying a fine of up to a \$500.00, or both such fine and jail, as well as any other fines, costs, or penalties imposed by law.

Section 4. Effective Date. That this Ordinance will become effective immediately following its publication, or a synopsis of the same, in a newspaper in general circulation within the City as provided by law.

Effective date: September 29, 2012