

**RESOLUTION ADDING SECTION 800 OF CHAPTER 20,  
TITLED "MARIHUANA ORDINANCE"  
TO THE CODE ORDINANCES OF THE CITY OF GAYLORD, MICHIGAN**

**Resolution Number: 2019.01**

The Gaylord City Council does hereby adopt the following Ordinance:

**20.800**

**MARIHUANA ORDINANCE  
CITY OF GAYLORD, MICHIGAN  
Eff. FEBRUARY 3, 2019**

An ordinance to prohibit individuals from obtaining licenses to operate marihuana establishments and to prohibit the sale and consumption of marihuana in public places, as authorized under the Michigan Regulation and Taxation of Marihuana Act.

**THE CITY OF GAYLORD ORDAINS:**

**20.801**

Sec. 1. **DEFINITIONS**

"Marihuana" means that term as defined in the Michigan Regulation and Taxation of Marihuana Act. The term excludes a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinol acid in any part of the plant of the genus cannabis regardless of moisture content.

"Marihuana Establishment" means that term as defined in the Michigan Regulation and Taxation of Marihuana Act.

**20.802**

Sec. 2. **PROHIBITION OF MARIHUANA ESTABLISHMENTS**

Marihuana Establishments are prohibited within the boundaries of the City of Gaylord. It is a violation of this Ordinance for a person to apply for a state or local license to operate a Marihuana Establishment within the boundaries of the City of Gaylord.

**20.803**

Sec. 3. **PROHIBITION OF MARIHUANA SALES IN PUBLIC**

It is a violation of this Ordinance for a person to sell or display marihuana for sale in a public place within the boundaries of the City of Gaylord.

**20.804**

Sec. 4. **PROHIBITION OF MARIHUANA CONSUMPTION IN PUBLIC**

It is a violation of this Ordinance for a person to consume marihuana in a public place within the boundaries of the City of Gaylord.

**20.805**

Sec. 5. **RIGHTS AND OBLIGATIONS UNDER MICHIGAN LAW**

Nothing in this Ordinance supersedes those rights and obligations expressly provided under Michigan law, including those regarding the transportation of marihuana or those regarding the medical use of marihuana; provided, however, that this ordinance is intended to restrict the use and sale of marihuana in public places to the fullest extent that is authorized under Michigan law. This Ordinance shall not be read as expanding or granting any right or privilege that is not otherwise expressly provided under Michigan law.

**20.806**      Sec. 6. **PENALTIES**

A person who violates any of the provisions of this Section shall be responsible for a municipal civil infraction punishable by a civil fine of Five Hundred (\$500.00) Dollars, plus court costs.

**20.807**      Sec. 7. **SEVERABILITY**

The provisions of this Ordinance are severable and if any portion shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance.

**20.808**      Sec. 8. **EFFECTIVE DATE.**

This Ordinance shall take effect after legal publication in accordance with the City Charter.

**RESOLUTION TO ADOPT OFFERED BY:** Wishart

**SECONDED BY:** Ouellette

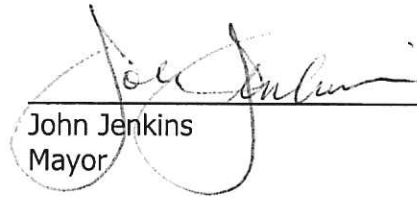
**AYES:** Ouellette, Hartz,  
Sharrard, Jenkins,  
Johnson & Wishart

**NAYES:** Witt

**ORDINANCE DECLARED ADOPTED:**

1/14/19

**DATE**

  
\_\_\_\_\_  
John Jenkins  
Mayor

  
\_\_\_\_\_  
Kimberly Awrey  
City Clerk

**CERTIFICATION**

I, Kimberly Awrey, the duly appointed City Clerk of the City of Gaylord, Otsego County, Michigan, certify that the above Ordinance, or a summary, was published in the Gaylord Herald Times, a newspaper of general circulation in the City of Gaylord, on February 1, 2019, and that such Ordinance was entered with the Ordinance book of the City of Gaylord on February 3, 2019.

  
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Kimberly Awrey City Clerk