

ORDINANCE NO: 801

AN ORDINANCE TO ADD CHAPTER 15 MARIHUANA “MEDICAL MARIHUANA FACILITIES” TO THE CITY OF ALMA CODE OF ORDINANCES

THE CITY OF ALMA ORDAINS:

- 1. Section 1.** The City of Alma Code of Ordinances is amended by the addition of Chapter 15 Marihuana “Medical Marihuana Facilities” to read as follows:

Article 1-General Provisions:

Section 1: Purpose and Intent

a. Purpose: The purpose of this Chapter is to implement the provisions of Public Act 281 of 2016, being the Michigan Medical Marihuana Licensing Act, so as to protect the public health, safety and welfare of the residents of the City of Alma by setting forth the manner in which medical marihuana facilities can be operated in the City.

b. Relationship to Federal Law: As of the effective date of this Ordinance, marihuana is classified as a Schedule 1 Controlled Substance under Federal Law which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal Law.

c. Relationship to State Law:

1. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form that is not in strict compliance with the Michigan Medical Marijuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding Medical Marihuana. Strict compliance with any applicable State law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this Chapter, and non-compliance with any applicable State law or regulation shall be grounds for revocation or non-renewal of any license issued under the terms of this Chapter.

2. In the event of any conflict, the terms of this Chapter are preempted and the controlling authority shall be the statutory regulation set forth by the Medical Marihuana Facilities Licensing Act or the rules adopted by the Board to implement, administer or enforce said Act.

d. City Liability and Indemnification:

1. By accepting a license issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

2. By accepting the license issued pursuant to this Chapter, all licensees agree to indemnify, defend and hold harmless, the City, its officers, elected officials, employees and insurers against all liability,