

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. 163**

**AN ORDINANCE TO AMEND THE CODE OF  
ORDINANCES OF THE CITY OF  
OTSEGO BY ADDING A NEW SECTION WHICH NEW  
SECTION SHALL BE DESIGNATED AS SECTION V OF  
CHAPTER 14 OF SAID CODE AND BY ADDING A NEW  
SECTION WHICH NEW SECTION SHALL BE  
DESIGNATED AS SECTION 97 OF CHAPTER 46 OF SAID CODE**

**THE CITY OF OTSEGO ORDAINS:**

**Section 1. Addition of Section 100 to Chapter 14.** Section 100, “Prohibition of Marihuana Establishments,” is added to Chapter 14, “Businesses Licensing,” of the Code of Ordinances of the City of Otsego to read as follows:

**SECTION 14-100 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 City.

(B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City 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 City 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 Section 97 to Chapter 46.** Section 97, “Prohibition on Sale and Consumption of Marihuana in Public Places,” is added to Chapter 46, “[Offenses and Miscellaneous Provisions],” of the Code of Ordinance of the City of Otsego to read as follows:

**SECTION 97 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 City.

(B) 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.

(C) 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. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in *The Union-Enterprise*, a newspaper of general circulation in the City.

**ORDINANCE DECLARED ADOPTED.**

Dated: December 17, 2018  
Cyndi Trobeck, Mayor  
Angela Cronen, City Clerk

**CERTIFICATION**

I, the undersigned duly appointed City Clerk of the City of Otsego, Allegan County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in *The Union Enterprise*, a newspaper of general circulation in the City on December 6, 2018 and December 20, 2018, and that such ordinance was entered with the Ordinance Book of the City on December 17, 2018.

Dated: December 17, 2018

Angela Cronen, City Clerk