



October 7 2019
CITY OF MUSKEGON HEIGHTS CITY COUNCIL
WORK SESSION AGENDA
MUSKEGON HEIGHTS CITY HALL
5:30 P.M.

A. Call to Order:

| | | |
|-------------------|-----------------------------------|-----------------------------|
| Roll Call: | Mayor Kimberley Sims | Councilwoman Kellie Kitchen |
| | Mayor Pro-Tempore Vernonell Smith | Councilman Andre Williams |
| | Councilwoman Bonnie McGlothlin | Councilman Walter Watt |
| | Councilman Marshall Cook | |

B. Agenda Approval

C. Public Comments and/or Questions - On Agenda Items Only

(Public comments shall be limited to 3 minutes per person. A person wishing to address the Council shall state their name and address for the official record. The Council may at their discretion respond to comments and/or questions after all have been received. Public comments may be recorded).

D. Existing Business

- a. None

E. New Business

- a. Discussion - Provisioning Centers Applications
- b. Discussion - Muskegon Heights Opt Out Recreational Marijuana.

F. Information and comments (Mayor and any other elected/appointed official) may make announcements, and the public can utilize this section for additional comments/community announcements.

G. Adjournment

WILLIAMS | HUGHES PLLC ATTORNEYS

THEODORE N. WILLIAMS, JR. 2015
DOUGLAS M. HUGHES
JOHN M. KARAFI
ENRIKA L.F. MCGAHAN
ZANETA I. ADAMS
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Of Counsel:

NEIL G. MULLALLY*
FRED C. CULVER, JR.
MICHAEL I. KLEAVELAND
MARK J. ANDERSON
DAVID B. MERWIN

**Retired Probate Judge*

September 5, 2019

Ms. Lori Doody, Interim City Manager
City of Muskegon Heights
2724 Peck Street
Muskegon Heights, MI 49444

RE: MH Opt Out Recreational Marijuana

Dear Ms. Doody:

In 2008, Michigan voters enacted the Michigan Medical Marijuana Act, after which many marijuana “social clubs” were created. Socials clubs are known to include marijuana lounges and dispensaries. The Medical Marijuana Facilities Licensing Act of 2016 also provides a legal route to sell marijuana to registered marijuana cardholders, but this Act does not address social clubs.

In November 2018, Michigan voters approved the Michigan Regulation and Taxation of Marijuana Act, which de-criminalized marijuana use for adults and authorized marijuana social clubs. The Emergency Rules regulating recreational marijuana were issued on July 3 and remain in effect for six months before the permanent rules replace them. The Emergency Rules allow for “designated consumption establishments” and “temporary marijuana events” also known as the social clubs. The Marijuana Regulatory Agency (“MRA”) is obligated to approve applications for these marijuana establishments as long as they meet the Emergency Rules.

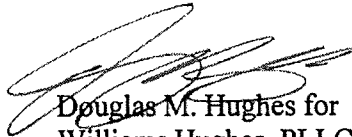
However, a municipality may adopt an ordinance that prohibits marijuana establishments, and in that case, the MRA cannot approve the marijuana establishment application. (Note that any local marijuana regulation must not conflict with the State marijuana laws or Emergency Rules). A municipality must also understand that if it does not prohibit marijuana establishments, and an application for a marijuana establishment is filed with the MRA, then the municipality cannot regulate that establishment after the application has been filed.

There are over 600 Michigan municipalities that have opted out of allowing recreational marijuana establishments. Opting out would mean no marijuana social clubs. The deadline to opt-out of permitting recreational marijuana for a municipality is when the Emergency Rules expire in early November 2019. Please see the attached draft opt-out ordinance for the City of Muskegon Heights.



If the City decides to adopt the ordinance and opt-out of the recreational marijuana establishments, then it should email the ordinance to LARA-BMR-Enforcement@michigan.gov. Chief Thomas would like to brief the City Council on the issue and gather the collective will to proceed one way or another.

Sincerely,



Douglas M. Hughes for
Williams Hughes, PLLC
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E-Mail: doughughes@williamshugheslaw.com

DMH:klrh

cc: Chief Thomas

**CITY OF MUSKEGON HEIGHTS
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

**AN ORDINANCE TO ADOPT ARTICLE XII OF CHAPTER 87
OF THE CODE OF ORDINANCES**

Ordinance No. _____

THE CITY OF MUSKEGON HEIGHTS ORDAINS:

- Section 1. **Intent.** The intent of this Ordinance is to exercise the City of Muskegon Heights authority to prohibit the establishment and operation of marijuana establishments within the City as such establishments are defined the Michigan Regulation and Taxation of Marihuana Act ("the Act"), MCL 333.27951 *et seq.*
- Section 2. **Prohibition.** Pursuant to the Act, MCL 333.27956(1), marijuana establishments are hereby prohibited within the City of Muskegon Heights.
- Section 3. **Severability.** Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.
- Section 4. **Ordinance Repeal.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- Section 5. **Effective Date.** This ordinance shall be effective upon adoption and publication.

Sharon Gibbs, City Clerk

Introduced: _____

Adopted: _____

Published: _____

Effective: _____