EDENVILLE TOWNSHIP MIDLAND COUNTY, MICHIGAN

ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS AND FACILITIES

Ordinance No. 186

At a meeting of the Edenville Township Board, Midland County, Michigan, held at the Swanton Memorial Center on May 14, 2019, at 7:00 p.m., Member K. Carey moved to adopt the following Ordinance, whose motion was seconded by Member J. Sperling:

An Ordinance to prohibit marihuana establishments and facilities within the boundaries of Edenville Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended and the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended.

EDENVILLE TOWNSHIP, MIDLAND COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known as and may be cited as the Edenville Township Prohibition of Marihuana Establishments and Facilities Ordinance.

SECTION 2: DEFINITIONS. Words used within this Ordinance shall be construed to have the same meaning as provided in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, MCL 333.27951 *et seq.* and/or the same meanings as provided in the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended, MCL 333.27101 *et seq.*

SECTION 3: NO MARIHUANA ESTABLISHMENTS OR FACILITIES. All marihuana establishments and facilities are prohibited within the boundaries of Edenville Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended and the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended.

SECTION 4: VIOLATIONS AND PENALTIES.

- 1. Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of the same shall be deemed to be responsible for a violation of this Ordinance. A violation of this Ordinance is deemed a nuisance per se.
- 2. A violation of this Ordinance is a municipal civil infraction, punishable by a fine of \$5,000.00, along with any costs, direct or indirect expenses, or attorney fees the Township incurs in connection with the infraction. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance and any other relief available at law or equity.
- 3. Each day during which any violation continues shall be deemed a separate offense.
- 4. This Ordinance shall be administered and enforced by the Edenville Township Code Enforcement Officer or by such other person (s) as designated by the Township Board from time to time.

SECTION 5: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

ROLL CALL VOTE:

YEAS: Karen Carey, Lydia Draves, Craig Gosen, Jim Sperling

NAYS: Linda Schultz

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED

Craig Gosen, Edenville Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
) ss
COUNTY OF MIDLAND)

I, Lydia Draves, Clerk of Edenville Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 186, adopted by the Edenville Township Board on May 14, 2019. A Notice of Adoption was duly published in the Midland Daily News, a newspaper that circulates within Edenville Township, on Luxeday, May 16, 2019. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Midland County Clerk on Wadreson, May 29, 2019.

Attested:

Lydia Draves, Edenville Township Clerk