

EMMETT TOWNSHIP ORDINANCE # T-2019-01

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An Ordinance to Amend the Code of Ordinances for the Township of Emmett by adding # T-2019-02 to the Township Code of Ordinances.

An Ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Emmett Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF EMMETT, ST. CLAIR COUNTY, MICHIGAN ORDAINS:

SECTION I TITLES

This ordinance shall be known as and may be cited as the Emmett Township Prohibition of Marihuana Establishments Ordinance.

SECTION II DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION III NO MARIHUANA ESTABLISHMENTS

Emmett Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION IV 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 responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include

all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offence.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V 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 VI REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII EFFECTIVE DATE

This ordinance shall take effect October 28, 2019

The above Ordinance #T-2019-01 was offered for adoption by Township Board Member Beverly Brown and was seconded by Township Board Member Keith Scott.

Roll call: "YEA" Four (4) Butler, Scott, Kot & Brown. Reliford absent.

"NAY" None (0)

Absent One (1)

CERTIFICATION

I hereby certify that the above is a true copy of Ordinance #T2019-01 adopted by the Emmett Township Board of Trustees at a special meeting held on October 28, 2019 at the Emmett Township Hall. Said meeting was conducted and public notice was given in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976. I further certify that the above and foregoing ordinance is recorded in the Ordinances for the Township of Emmett, St. Clair Co., Michigan.

Beverly K. Brown, Emmett Township Clerk