

TOWNSHIP OF AUSTIN
COUNTY OF MECOSTA, STATE OF MICHIGAN
ORDINANCE NO. 2019-01
ADOPTED: MAY 14, 2019
EFFECTIVE: MAY 22, 2019

PROHIBITION OF RECREATIONAL MARIHUANA
ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Austin Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 – 333.27967, *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 AUSTIN - MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Austin 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 – 333.27967, *et seq.*, as may be amended.

SECTION III NO MARIHUANA ESTABLISHMENTS

Austin Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 – 333.27967, *et seq.*, as may be amended.

SECTION IV VIOLATIONS AND PENALTIES

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 the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

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.

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

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.

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 on the date of its publication of the summary. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The foregoing ordinance was offered by Board Member C. Towsley and supported by Board Member S. Mayo.

UPON ROLL CALL VOTE:

The following voted Yea: C. Towsley, S. Mayo, K. Vredenburg, J. Brockway, and L. Lambert

The following voted Nay: None

The following were absent: None

The Supervisor declared the ordinance adopted on May 14, 2019

Summary published: May 21, 2019

CERTIFICATE

I, Lisa Lambert, the duly and acting Clerk of Austin Township, hereby certify that the foregoing constitutes a true and complete copy of an Ordinance adopted at a meeting of the Austin Township Board held at the Austin Township Hall on, May 14, 2019, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Ordinance; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meeting act. Effective upon publication of the summary of Ordinance #2019-01 (May 21, 2019)

Lisa Lambert, Austin Township Clerk