

**TOWNSHIP OF FORD RIVER
COUNTY OF DELTA, STATE OF MICHIGAN**

ORDINANCE NO. 031119

ADOPTED: March 11, 2019

EFFECTIVE: April 6, 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 Ford River 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 FORD RIVER
DELTA COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Ford River 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**

Ford River 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 deemed to 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 offense.

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
STUDY BY THE PLANNING COMMISSION

As of the adoption of this article, the legalization of recreational use of marijuana is a new law in Michigan. As such, it presents unique opportunities and challenges for local governments. The intent of this article is to prohibit marijuana establishments at least on a temporary basis in order to allow further study by the Planning Commission. The Planning Commission is hereby directed to:

- a. Study the Townships options for authorizing and regulating marihuana establishments under the MRTMA;
- b. Hold at least one public hearing to seek input from the public; and
- c. Prepare and submit a report to the Township Board by March 11, 2020, with a recommendation as to whether the Township should authorize one or more types of marihuana establishments. If the Planning Commission recommends authorization, the report shall outline, in general terms, the recommended regulations.

SECTION VIII
PUBLICATION AND EFFECTIVE DATE

The Township Clerk shall cause a notice of adoption of this ordinance to be published. The ordinance shall take affect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

Yeas: G. Boudreau, A. Wagner, R. Fountaine, D. Wellman, R. Zoch

Nays: None

Abstain: None

CERTIFICATION

This is a true and complete copy of the Ordinance No. 031119 which was declared adopted at a regular meeting of the Ford River Township Board held on March 11th, 2019.