BIRCH RUN TOWNSHIP SAGINAW COUNTY, MICHIGAN ORDINANCE NO. 2019-01

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

ADOPTED: February 12, 2019
PUBLISHED: February 20, 2019
EFFECTIVE: March 19, 2019

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Birch Run 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 BIRCH RUN SAGINAW COUNTY, MICHIGAN ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Birch Run 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 ESTABLISMENTS

Birch Run 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 SEVERABLITY

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 February 20, 2019.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the Township Board of the Township of Birch Run on the 12th day of February 2019, and published on the 20th day of February 2019.

YEAS: Parlberg, Sheridan, Totten, Moore

NAYS: Kiessling, Letterman

ABSTAIN:

STATE OF MICHIGAN)
) SS
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 10th day of July, 2018, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the 20th day of February, 2019, I caused a notice of such adoption to be published in the Birch Run/Bridgeport Herald, a newspaper circulated in the Township of Birch Run, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Birch Run and is available for public use and inspection at the offices of the Birch Run Township Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 13th day of February, 2019.

Corey Trinklein, Clerk Birch Run Township