

Ordinance No. #243

Prohibition of Recreational Marihuana Establishments Ordinance

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROHIBITING MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF PORT HURON 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 CHARTER TOWNSHIP OF PORT HURON, ST. CLAIR COUNTY,
MICHIGAN, ORDAINS:**

SECTION 1: TITLE

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

SECTION 2: 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 3: NO MARIHUANA ESTABLISHMENTS

Port Huron 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 4: VIOLATIONS AND PENALTIES.

- A. 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.
- B. 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.

- C. Each day during which any violation continues shall be deemed a separate offense.
- D. 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.
- E. 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 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 ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect April 1st, 2019.

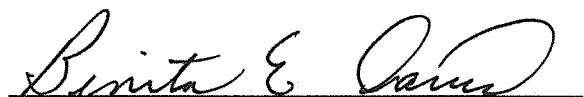
The above Ordinance was offered for adoption by Township Board Member Reno and was seconded by Township Board Member Dudas, the vote being as follows:

YEAS: Reno, Dudas, Livingston, Shonka, Lewandowski

NAYS: Riehl

ABSENT: Clerk Davis

ORDINANCE DECLARED ADOPTED:



By: Benita Davis, Clerk
Charter Township of Port Huron

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on 03/19/2019, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: _____

Respectfully submitted,

By: Penny Simpson, Clerk
Charter Township of Port Huron