

**ORDINANCE PROHIBITING
MARIHUANA ESTABLISHMENTS
WITHIN THE TOWNSHIP**

ORDINANCE No. 58 of 2019

EFFECTIVE: September 10, 2019, TO BE
ENFORCEABLE 30 DAYS AFTER PUBLICATION.

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

TITLE

AN ORDINANCE PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 INITIATED LAW, 1, §6.1, MCL 333.27956, SUBSECTION 1, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF BEAVER CREEK TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND REPEALING ANY AND ALL ORDINANCES AND/OR RESOLUTIONS IN CONFLICT THEREWITH.

BEAVER CREEK TOWNSHIP BOARD ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Beaver Creek Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2. PURPOSE

The purpose of this Ordinance is to exercise Beaver Creek Township's authority pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27956, *et. seq.* ("Act") to prohibit the establishment and/or operation of any and all marihuana establishments, as defined by the Act, within Beaver Creek Township.

SECTION 3. ENABLING AUTHORITY

This Ordinance is adopted pursuant to, and in accordance with Section 6(1) of the Act adopted by the voters of the State of Michigan on Tuesday, November 6, 2018.

A public hearing was held on September 4, 2019, wherein the public was invited to provide input, issues, concerns, and comments.

SECTION 4. MARIHUANA ESTABLISHMENTS PROHIBITED

It shall be unlawful to operate a marihuana establishment within the boundaries of Beaver Creek Township. The term marihuana establishment shall include, but not be limited to:

- A. Marihuana microbusinesses;
- B. Marihuana retailers;
- C. Marihuana processors;
- D. Marihuana secure transporters;
- E. Marihuana safety compliance facilities;
- F. Marihuana growers (a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments);
- G. All marihuana related businesses licensed by the State pursuant to the Act.

SECTION 5 EXPIRATION.

This Ordinance shall expire within 120 days, at which time Beaver Creek Township must take additional action.

SECTION 6. VIOLATION; PENALTY

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600-9939, of Michigan Compiled Laws, and shall be subject to a fine of not more than one thousand dollars (\$1,000.00). Each day this Ordinance is violated shall constitute as a separate violation and shall be subject to a fine.

Any violation of this Ordinance shall also constitute a nuisance per se and the Township shall have the right to seek abatement of the violation at law or in equity.

The Township Director of Zoning and Code Enforcement Officer and any other person appointed by the Township Board to act as an agent of the Township is authorized to issue a municipal civil citation directing alleged violators of this Ordinance to appear in court.

SECTION 7. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 8. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. PUBLICATION

This Ordinance or summary thereof shall be published in the Crawford County Avalanche through general circulation within Beaver Creek Township within fourteen (14) days after adoption by the Board of Trustees.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect and be enforceable thirty (30) days after the date of publication as set forth in Section 8.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Beaver Creek Township Board of Trustees, at a meeting held on September 10, 2019.

I hereby further certify that the following Township Board members were present at the meeting: Van Nuck, Hartman, Meisner, Little, Raybuck and the following Township Board Members were absent: None.

I further certify that Member Van Nuck moved for the adoption of the Ordinance, and that motion was supported by Member Raybuck.

I further certify that the following Beaver Creek Township Board Members voted for the adoption of the Ordinance: Van Nuck, Hartman, Meisner, Little, Raybuck and that the following Beaver Creek Board members voted against adoption of the Ordinance: None.

Sharon Hartman, Clerk,