

**MANCELONA TOWNSHIP**

**COUNTY OF ANTRIM, STATE OF MICHIGAN**

**MANCELONA TOWNSHIP ORDINANCE NO. 19-18**

**ADOPTED DATE: 12-17-2018**

**EFFECTIVE DATE: 02-02-2019**

**Prohibition of Marihuana Establishments Ordinance**

An Ordinance to provide a title for the Ordinance; to define words; to prohibit marihuana establishments within the boundaries of Mancelona Township pursuant to Initiated Law 1 of 2018, The Michigan Regulation and Taxation of Marihuana Act, 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 for an effective date.

THE TOWNSHIP OF MANCELONA, ANTRIM COUNTY, MICHIGAN ORDAINS:

**Section 1. Title**

This ordinance shall be known as and may be cited as the Mancelona Township Prohibition of Marijuana Establishments Ordinance.

**Section 2. Definitions**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) MRTMA means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.
- (b) MMMA means the Michigan Medical Marijuana Act, 2008 IL 1, as amended.
- (c) MMFLA means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- (d) IHRA means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et. Seq.
- (e) Marihuana establishment means that term as defined in the MRTMA.
- (f) Marihuana facility means that term as defined in the MMFLA.

**Section 3. Marihuana Establishments and Facilities Prohibited**

- (a) Pursuant to Section 6 of the MRTMA, as may be amended, marihuana establishments are prohibited within the boundaries of Mancelona Township.
- (b) Marihuana facilities are prohibited within the boundaries of Mancelona Township.

**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 \$100.00 or more than \$500.00, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of Mancelona Township to proceed at law or at equity with other appropriate and proper remedies. Additionally,

- the violator shall pay costs which may include all expenses, direct and indirect, which Mancelona 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, Mancelona Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such relief as may be provided by law.
  - (e) This ordinance shall be administered and enforced by the Mancelona Township Constable or by such other person (s) designated by the Mancelona Township Board from time to time.

**Section 5. Rights Unaffected by Ordinance**

- (a) Except as specifically provided in Section 3, this Ordinance shall not affect the rights or privileges of any individual or other person preserved under the MRTMA.
- (b) This Ordinance does not affect the rights or privileges of a marihuana facility outside of Mancelona Township to engage in activities within Mancelona Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized facilities to operate within its boundaries.
- (c) This Ordinance does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
- (d) This Ordinance does not affect the rights or privileges of any individual or other person under the IHRA.
- (e) This Ordinance does not affect the rights or privileges of any individual or other person under any other federal or state law, rule, or regulation related to the medical use of marihuana.

**Section 6. Severability**

In the event that one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

**Section 7. Effective Date**

This ordinance shall take effect 30 days after the first date of its publication. All Ordinances, parts of Ordinances, or resolutions in conflict herewith are hereby repealed.

ROLL CALL VOTE:

YEAS: Robinson, Johnson, Vesey, Biehl

NAYS: Simmonds

ABSENT/ABSTAIN:

I, MICHAEL BEIHL, Clerk of the Township of Mancelona, hereby certify that the foregoing ordinance was adopted by the Township Board at a regular meeting convened in the Township of Mancelona on December 17, 2018, a majority of the members present voting in the affirmative.

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MICHAEL BEIHL, TOWNSHIP CLERK

Published in the Antrim Review: 01-03-2019