

## **PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**

### **Ordinance No. 809**

**Adopted: June 3, 2019**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Charter Township of Fenton pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*; 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 FENTON, GENESEE COUNTY, MICHIGAN ORDAINS:

#### **SECTION 1. Title**

This ordinance shall be known as and may be cited as the Fenton 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.*

#### **SECTION 3. No Marihuana Establishments**

The Charter Township of Fenton hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*

#### **SECTION 4. 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 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 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.

#### **SECTION 5. Enforcement**

This ordinance shall be enforced by the Ordinance Enforcement Officer of the Township, by any Police Officer, or by such other persons as designated by the Township Board from time to time.

**SECTION 6. Severability**

Each and every article, section and subsection of this Ordinance, and each provision of each article, section and subsection is hereby declared to be separable and severable. If any article, clause, sentence, word, section, subsection or provision of this Ordinance is hereafter declared void, invalid 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 7. Repeal**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8. Effective Date**

This Ordinance shall be published as required by law and the provisions contained herein shall become effective thirty (30) days, or as soon as legally allowed, after adoption and publication hereof.

Enacted at a regular meeting of the Fenton Township Board held on the 3rd day of June 2019.

**Bonnie K. Mathis, Supervisor**

**Robert E. Krug, Clerk**