

APR 29 2019

KRISTEN MILLARD  
MONTCALM COUNTY CLERK

**TOWNSHIP OF FAIRPLAIN  
COUNTY OF MONTCALM  
STATE OF MICHIGAN**

**ORDINANCE NO. 20**

**PROHIBITION OF MARIHUANA ESTABLISHMENTS**

**Summary: An Ordinance to completely prohibit marihuana establishments within boundaries of FAIRPLAIN TOWNSHIP, pursuant to Initiated Law 1 of 2018, MCL 333.27915, *et. seq.*, as may be amended; to provide penalties for violation of this Ordinance; to repeal all Ordinances or parts of Ordinances in conflict therewith; and to provide an effective date.**

**THE TOWNSHIP OF FAIRPLAIN ORDAINS:**

**§ 1 - Purpose.**

The purpose of this Ordinance is to exercise the Township of Fairplain's authority to completely prohibit the establishment or operation of marihuana establishments within the Township as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), as may be amended, for the health, safety and general welfare of its residents.

**§ 2 - Title.**

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

**§ 3 - Definitions.**

Words used herein shall be defined by Section 3 of the Initiated Law 1 of 2018, MCL 333.27953, as may be amended.

**§ 4 - Prohibition of Marihuana Establishments.**

Pursuant to the Act, Section 6.1, the Township completely prohibits the establishment or operation of any and all categories of marihuana establishments within its boundaries.

**§ 5 - Violations and Penalties.**

1. A violation of this Ordinance is deemed to be a nuisance *per se*. Any person who aids or abets another to violate this Ordinance shall be in violation of the Ordinance.
2. A violation of this Ordinance is a civil infraction punishable by a fine of not less than \$100.00 or more than \$500.00.
3. The foregoing civil infraction shall be in addition to the rights of the Township to seek injunctive relief against any violator, along with any other relief in law or equity.

4. The violator shall pay all costs associated with the Township enforcing this Ordinance, including but not limited to, reimbursement of hourly rate of code enforcement officer, court costs and actual attorney fees.
5. Each day during which any violation continues shall be deemed a separate offense.

#### **§ 6 - Enforcement.**

This Ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township, Township Constable, Township Supervisor, Township Attorney, or by any other person or persons designated by the Township Board.

#### **§ 7 – Severability.**

If any provision of this Ordinance is found invalid by a court of competent jurisdiction, it shall not affect the application of all other provisions which shall continue in full force and effect.

#### **§ 8 – Publication.**

Publication of this Ordinance shall be made within 30 days after the passage of the Ordinance, by inserting a true copy of the Ordinance one time in a local area newspaper whose circulation encompasses the Township.

#### **§ 9 – Effective Date.**

This Ordinance shall take effect on April 1, 2019, or become effective 30 days after the publication of the Ordinance, whichever date occurs first.

#### **§ 10 – Repeal.**

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

#### **§ 11 – Copies.**

A True Copy of this Ordinance may be inspected and obtained at the Office of the Montcalm County Clerk during normal business hours.

Passed by roll call vote at a regular meeting of the Fairplain Township Board.

5 Yeas  
0 Nays

Dated this 1st of April, 2019

Stan G. Poff  
Township Clerk

COUNTY CLERK'S OFFICE  
STANTON, MICHIGAN  
FILED

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