

MARIHUANA PROHIBITION ORDINANCE
Ordinance No. 81-A

An ordinance providing for the following: prohibiting marihuana establishments within the boundaries of Frankenlust Township; prohibiting the sale or consumption of marihuana in any form in any public places within Frankenlust Township; prohibiting the sale or display of marihuana accessories in any public places within Frankenlust Township; providing definitions; providing a penalty for violation of this ordinance; providing for severability; repealing Ordinance No. 81 and all other ordinances or parts of ordinances in conflict herewith; and providing an effective date, as authorized by the *Michigan Regulation and Taxation of Marihuana Act*.

FRANKENLUST TOWNSHIP, BAY COUNTY, MICHIGAN ORDAINS:

Section 1. Title. This ordinance shall be known as and may be cited as the Frankenlust Township Marihuana Prohibition Ordinance.

Section 2. Definitions. Words used herein shall have the definitions as provided for in the *Michigan Regulation and Taxation of Marihuana Act*, "Act," as may be amended.

Section 3. Prohibition of Marihuana Establishments. All marihuana establishments are hereby prohibited within the boundaries of Frankenlust Township.

Section 4. Prohibition of Sale and Consumption of Marihuana in Public Places. The sale or consumption of marihuana in any form and the sale or display of marihuana accessories are hereby prohibited in any public places within Frankenlust Township.

Section 5. Violation 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 violation of the same shall be responsible for the violation of this ordinance. A violation of this ordinance shall be a nuisance *per se*.

2. A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500, in the discretion of the Court. 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.

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 allowed by law.

5. This ordinance shall be administered and enforced by person(s) as nominated by the Township Supervisor and approved by the Township Board from time to time.

Section 6. 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 7. Repeal. *Ordinance No. 81* and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Effective Date. This ordinance or a summary of it shall be published in *The Valley Farmer* on January 17, 2019 and shall become effective 30 days after publication.