

**TOWNSHIP OF NAPOLEON
JACKSON COUNTY, MICHIGAN
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
ORDINANCE NO. 82**

At a regular meeting of the Township Board of Napoleon Township, Jackson County, Michigan held at 6755 Brooklyn Road on December 11, 2018 at 6:00 p.m., Township Board Member Wymer moved to adopt the following Ordinance, which motion was seconded by Township Board Member Graham:

An Ordinance to prohibit marihuana establishments within the boundaries of Napoleon Township pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), 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 an effective date.

THE TOWNSHIP OF NAPOLEON ORDAINS:

Section 1. Title

This ordinance shall be known as the Napoleon Township Prohibition of Marihuana Establishments Ordinance.

Section 2. Definitions

Words used herein shall have the definitions as provided in Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act.

Section 3. No Marihuana Establishments

Napoleon Township hereby prohibits all marihuana establishments within the boundaries of Napoleon Township pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act.

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 municipal 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 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 provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township and such other person(s) as designated by the Township Board from time to time.

Section 5. 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 6. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date

This ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

Upon a roll call vote, the following voted:

Aye: Wymer, Wilson, Hummer, Graham, Bacon

No: None.

Supervisor declared the resolution adopted.

John E. Hummer, Clerk