

ORDINANCE NO. 37

TOWNSHIP OF SODUS, BERRIEN COUNTY, STATE OF MICHIGAN
PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

ADOPTED: 2-12, 2019
(Effective: 3-21, 2019)

An Ordinance to define words; to prohibit marihuana establishments within the boundaries of Sodus Township pursuant to Initiated Law 1 of 2018, as proposed under Article 2, Section 9 of the Constitution of 1963, 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 SODUS, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1. Title.

This ordinance shall be known as and may be cited as the Sodus Township Prohibition of Marihuana Establishments Ordinance to opt out of Initiated Law 1 of 2018.

SECTION 2. Definitions.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, as may be amended.

SECTION 3. No Marihuana Establishments.

Sodus Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, as may be amended.

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 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 enforcement of this ordinance pursuant to MCL 600.8727.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. 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.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by 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 ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. Effective Date.

This ordinance shall take effect the 21st day after publication.

SECTION 8. Publication, Recordation.

This Ordinance or a summary shall be published as required by law in The Journal Era, a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

The above Ordinance was offered for adoption by Township Board Member David Chandler and seconded by Township Board Member Karen Morgan the vote being as follows:

NAME	YES	NO	ABSENT
David Chandler	<u>X</u>	_____	_____
Cheryl Andres	<u>X</u>	_____	_____
Karen Morgan	<u>X</u>	_____	_____
Ken Peters	<u>X</u>	_____	_____
Loyall Bennett	<u>X</u>	_____	_____

THE TOWNSHIP SUPERVISOR DECLARED THIS ORDINANCE ADOPTED THIS 12 DAY OF February, 2019.

CERTIFICATION

I certify that the foregoing is a true and complete copy of the Prohibition of Marihuana Establishments Ordinance by the Sodus Township Board at a meeting held on the 12th day of February, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: 2-12, 2019

Cheryl Andres
Cheryl Andres, Township Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the The Journal Era on the 20th day of February, 2019.

Dated: 2-12, 2019

Cheryl Andres
Cheryl Andres, Township Clerk