

ORDINANCE NO. 2018-14

PROHIBITION OF MARIHUANA FACILITIES/ESTABLISHMENTS

An Ordinance to make certain legislative findings concerning marihuana facilities and establishments within the Charter Township of Allendale; to provide for the prohibition of such facilities and establishments and to provide for penalties for the violation of this Ordinance, administrative liability and the repeal of conflicting Ordinances.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN ORDAINS:

Section 1: This Ordinance may be cited as the “Charter Township of Allendale Prohibition of Marihuana Facilities/Establishments.”

Section 2: Marihuana Facilities and Establishments Prohibited.

- A. The following uses and prohibited in the Township, and may not be established or operated within the Township, by any means:
 - 1. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act.
- B. This Section does not limit any privileges, rights, immunities or defenses of a person as provided in this Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, or as reflected in Section 1 of this Ordinance.

Section 3. Penalty. Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Municipal Civil Infraction Ordinance and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines shall be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed within any 12-month period and for which the violator admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

Members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, or other persons designated by the Township Board as Township Ordinance Enforcement Officers for this Ordinance are hereby designated as Authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at Allendale Charter Township Municipal Ordinance Violations Bureau) as provided in the Municipal Civil Infraction Ordinance adopted by the Township.

Section 4. Severability and Captions. This Ordinance and the various sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 5. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on

November 26, 2018, after introduction and a first reading on November 12, 2018, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on December 10, 2018.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk

CERTIFICATE

We, Adam Elenbaas and Laurie Richards, the Supervisor and Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Prohibition of Marihuana Facilities/Establishments Ordinance No. 2018-14 was adopted at a regular meeting of the Allendale Charter Township Board held on November 26, 2018. The following members of the Township Board were present at the meeting: Elenbaas, VanderWall, Kraker, Richards, VanderVeen, Zeinstra. The following members of the Township Board were absent: Hoekstra.

The Ordinance was adopted by the Township Board with members of the Board Elenbaas, VanderWall, Kraker, Richards, VanderVeen, Zeinstra voting in favor and members of the Board _____ voting in opposition. The Ordinance was published in the Advanced Newspapers, the Ottawa Edition on December 9, 2018.

Adam Elenbaas, Supervisor

Laurie Richards, Clerk