HAYES TOWNSHIP CLARE COUNTY, MICHIGAN

RECEIVED
55TH CIRCUIT COURT
2019 JUN - 3 PM 1:19

ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS COUNTY HARRISON, MICHIGAN

Ordinance No. 18-03

At a meeting of the Hayes Township Board, Clare County, Michigan, held at the Township Hall on April 16, 2019, at 7:00 p.m., Board Member Hoyt moved to adopt the following Ordinance, whose motion was seconded by Board Member Acton:

An Ordinance to prohibit marihuana establishments within the boundaries of Hayes Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended.

HAYES TOWNSHIP, CLARE COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known as and may be cited as the Hayes Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2: DEFINITIONS. Words used within this Ordinance shall be construed to have the same meaning as provided in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, MCL 333.27951 *et seq*.

SECTION 3: NO MARIHUANA ESTABLISHMENTS. All marihuana establishments are prohibited within the boundaries of Hayes Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended.

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 a violation of this Ordinance. A violation of this Ordinance is deemed a nuisance per se.
- 2. A violation of this Ordinance is a municipal civil infraction, punishable by a fine of \$5,000.00, along with any costs, direct or indirect expenses, or attorney fees that the Township incurs in connection with the infraction. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance and any other relief available at law or equity.
 - Each day during which any violation continues shall be deemed a separate offense.
- 4. This Ordinance shall be administered and enforced by the Hayes Township Zoning Administrator 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 ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

ROLL CALL VOTE:

YEAS:

Acton, Buckley, Haley, Rood, Hoyt

NAYS:

None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED

Terry Acton Hayes Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
) s:
COUNTY OF CLARE)

I, Debra Hoyt, Clerk of Hayes Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 18-03, adopted by the Hayes Township Board on April 16, 2019. A Notice of Adoption was duly published in the Clare County Cleaver newspaper, a newspaper that circulates within Hayes Township, on April 25, 2019. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Clare County Clerk on May 28, 2019.

Attested:

Debra Hoyt, Hayes Township Clerk

HAYES TOWNSHIP, CLARE COUNTY, MICHIGAN ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS ORDINANCE NO. 18-03 NOTICE OF ADOPTION

Please take notice that on April 16, 2019, the Township Board of Hayes Township adopted Ordinance No. 18-03, which prohibits marihuana establishments within the Township. Copies of the Ordinance may be obtained from Debra Hoyt, 2055 East Townline Lake Road, Harrison, MI 48625.

The Ordinance provides, in summary, for a prohibition on all marihuana establishments within the Township. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: No Marihuana Establishments; Section 4: Violations and Penalties; Section 5: Severability; Section 6: Repeal; and Section 7: Effective Date, which is 30 days after this publication.

Published by Order of the Township Board Hayes Township, Clare County, Michigan Debra Hoyt, Township Clerk (989) 539-7128

Publication Date: April 25, 2019