

**TOWNSHIP OF WEST TRAVERSE
COUNTY OF EMMET, STATE OF MICHIGAN**

ORDINANCE NO. 2018 - 03

ADOPTED: DECEMBER 11, 2018

EFFECTIVE: JANUARY 21, 2019

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS
ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of West Traverse Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, 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 WEST TRAVERSE
EMMET COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the West Traverse Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION III
NO MARIHUANA ESTABLISHMENTS**

West Traverse Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION IV
NO RECREATIONAL MARIHUANA USE IN TOWNSHIP FACILITIES**

West Traverse Township hereby prohibits consumption (including smoking), cultivation, distribution, processing, selling, or displaying of marihuana or marihuana accessories in a facility owned or operated by West Traverse Township pursuant to Initiated Law 1 of 2018, MCL

333.27951, et seq., as may be amended.

SECTION V
NO RECREATIONAL MARIHUANA USE IN A PUBLIC PLACE

West Traverse Township hereby prohibits consumption (including smoking) marihuana in a public place within the boundaries of West Traverse Township, including but not limited to any street, sidewalk, highway, alley, park, or parking lot located therein, pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

SECTION VI
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 or by such other person (s) as designated by the Township Board from time to time.

SECTION VII
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 VIII
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX
COPY

A copy of this ordinance may be purchased or inspected during normal business hours at the West Traverse Township Hall, 8001 M-119, Harbor Springs, Michigan.

SECTION X
EFFECTIVE DATE

This ordinance shall take effect January 21, 2019.

We hereby certify that the foregoing is a true copy of an ordinance adopted by the West Traverse Board of Trustees at a regular meeting held on December 11, 2018.

Robert W. Sandford, Supervisor
Cindy J. Baiardi, Clerk