

CHARTER TOWNSHIP OF WASHINGTON

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 155

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

TITLE

AN ORDINANCE to prohibit marijuana establishments within the Charter Township of Washington and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF WASHINGTON, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Washington Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2. PURPOSE

The purpose of this Ordinance is to exercise the Charter Township of Washington's authority pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL _____, *et. seq.* ("Act") to prohibit the establishment and/or operation of any and all marihuana establishments, as defined by the Act, within the Charter Township of Washington.

SECTION 3. ENABLING AUTHORITY

This Ordinance is adopted pursuant to, and in accordance with Section 6(1) of the Act adopted by the voters of the State of Michigan on Tuesday, November 6, 2018.

SECTION 4. MARIHUANA ESTABLISHMENTS PROHIBITED

It shall be unlawful to operate a marihuana establishment within the boundaries of the Charter Township of Washington. The term marihuana establishment shall include, but not be limited to:

- A. Marihuana microbusinesses;
- B. Marihuana retailers;
- C. Marihuana processors;
- D. Marihuana secure transporters;
- E. Marihuana safety compliance facilities;
- F. Marihuana growers (a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments);
- G. All marihuana related businesses licensed by the State pursuant to the Act.

SECTION 5. VIOLATION; PENALTY

Any individual or entity that violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty not to exceed five hundred (\$500) dollars or imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Any violation of this Ordinance shall also constitute a nuisance per se and the Township shall have the right to seek abatement of the violation at law or in equity.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. PUBLICATION

This Ordinance shall be published twice in accordance with MCL 42.20. Publication shall be made by posting the Ordinance in the office of the Washington Township Clerk and on the Washington Township website. In addition, a notice of posting prescribing the purpose or nature of the Ordinance and location of the places where posted shall be published in a newspaper of general circulation within the Charter Township of Washington within seven (7) days after posting pursuant to MCL 42.8(4).

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately after the date of publication of a notice of posting as set forth in Section 8.