

**MUSSEY TOWNSHIP
COUNTY OF ST. CLAIR
ORDINANCE NO. 39**

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018.

**TO BE ADDED TO TABLE OF SPECIAL ORDINANCES. PROHIBITION OF
RECREATIONAL MARIHUANA ESTABLISHMENTS**

The Township of Mussey ordains:

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

§ 1. Name. This Ordinance is known as the Mussey Township Prohibition of Marihuana Establishments Ordinance.

§ 2. Purpose. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018, Mussey Township elects to prohibit recreational marihuana establishments within its boundaries.

§ 3. Authority. The Ordinance is adopted under Mussey Township's authority to preserve the public peace, health, safety and welfare pursuant to Public Act 246 of 1945, Township Ordinances, MCL 41.181 et seq and the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018.

§ 4. Effective date. This Ordinance shall become effective the day after its publication as authorized by law.

§ 5. Consistency and Repeal. All existing Ordinances or part of Ordinances are to be interpreted as consistent with this Ordinance and the laws of the State of Michigan. Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance results in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, Initiated law 1 of 2018 or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

§ 6. Geographic Area. This Ordinance shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of Mussey Township to the fullest extent allowed by law.

§ 7. Construction and Severability. This Ordinance shall be liberally construed to protect and preserve the peace, health, safety and welfare of the people of Mussey Township, and should any provision of this Ordinance be found by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining provisions, it being the intent of the Township Board that each and every provision of this Ordinance is important regardless of the invalidity of any

one or more other provisions. Except as provided herein, the remainder of the Ordinance Code shall remain in full force and effect.

§ 8. Penalty. Any person or entity that violates this Ordinance is responsible for a municipal civil infraction and a fine not to exceed \$500.00. Nothing in this Ordinance prohibits enforcement for injunctive and declaratory relief in a court of competent jurisdiction.

ADOPTED this 12th. day of December, 2018.

ATTEST AS TO ADOPTION BY THE MUSSEY TOWNSHIP BOARD

So Adopted:

Michael Lauwers
Supervisor: Michael Lauwers

Date: 12/12/18

Sheila McDonald
Clerk: Sheila McDonald

Date: 12/12/18

Motion to Adopt made by Board Member Standel; Second by Board Member Libkie.

	Aye:	Nay:	Absent:
Supervisor - Michael Lauwers	X	___	___
Clerk - Sheila McDonald	X	___	___
Treasurer - Marsha Libkie	X	___	___
Trustee - Bruce Downey	X	___	___
Trustee - Monica Standel	X	___	___

Clerk Sheila McDonald does hereby certify that the foregoing is a true and complete copy of a Ordinance adopted by a majority vote at a public meeting by the Mussey Township Board of Trustee at a meeting held on 12th day of December 2018, which a copy is on file in the Township Code of Ordinances with its offices located at Mussey Township, 135 North Main Street, Capac, MI 48014 (810) 395-4915.

This Ordinance was published in a news paper of general circulation, Tri City Times, on December 26, 2018.

Sheila McDonald
Clerk: Sheila McDonald