

**EMPIRE TOWNSHIP
LEELANAU COUNTY
December 11, 2018**

ORDINANCE NO. 03-2018

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 Empire Township pursuant to Initiated Law 1 of 2018, 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.

EMPIRE TOWNSHIP HEREBY ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Empire 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, as may be amended.

**SECTION III
NO MARIHUANA ESTABLISHMENTS**

Empire Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, as may be amended.

**SECTION IV
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 or 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 V
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 VI
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII
EFFECTIVE DATE

This ordinance shall take effect eight days after publication.

At a regular meeting of the Township Board for Empire Township held on the 11th day of December, 2018, _____ moved for adoption of the foregoing ordinance and _____ supported the motion.

Voting for:
Voting against:

The Township Supervisor declared the ordinance adopted.

Carl F. Noonan
Empire Township Supervisor

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 03-2018 which was duly adopted by the Empire Township Board at a regular meeting held on December 11, 2018.

Christine M. Neiswonger
Empire Township Clerk