

FIRST READING

**ST. JOSEPH CHARTER TOWNSHIP**

**COUNTY OF BERRIEN**

**STATE OF MICHIGAN**

**AN ORDINANCE TO COMPLETELY PROHIBIT MARIHUANA ESTABLISHMENTS  
IN ST. JOSEPH CHARTER TOWNSHIP**

**ORDINANCE NO. 2018-37**

An Ordinance to completely prohibit every type of marihuana establishment in St. Joseph Charter Township pursuant to the Michigan Regulation and Taxation of Marihuana Act of 2018 for the benefit of the public health, safety, and welfare.

**THE TOWNSHIP OF ST. JOSEPH CHARTER TOWNSHIP ORDAINS:**

**SECTION ONE. Purpose.**

On November 6, 2018, voters in the State of Michigan adopted by ballot proposal the Michigan Regulation and Taxation of Marihuana Act of 2018 (“MRTMA”), which defines different license types for recreational marihuana establishments. These are establishments of a commercial nature where recreational marihuana can be grown, processed, transported, tested for safety, and sold to paying customers.

The MRTMA, Section 6.1, specifically allows municipalities to completely prohibit recreational marihuana establishments within their boundaries. As such, the St. Joseph Charter Township Board desires to completely prohibit all of the marihuana establishments authorized under the MRTMA within the boundaries of St. Joseph Charter Township. To this end, the St. Joseph Charter Township Board adopts this ordinance to prohibit every type of recreational marihuana establishment allowed under the MRTMA within the corporate boundaries of St. Joseph Charter Township.

**SECTION TWO. Definitions.**

“Marihuana establishment” shall mean a marihuana grower with a class A, B, and/or C license, a marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, and/or any other type of marihuana-related business licensed by the State of Michigan Department of Licensing and Regulatory Affairs under the MRTMA.

“MRTMA” shall mean the Michigan Regulation and Taxation of Marihuana Act of 2018.

“Township” shall mean St. Joseph Charter Township.

**SECTION THREE. Complete Prohibition of Marihuana Establishments in St. Joseph Charter Township.**

All marihuana establishments of every nature or type are completely prohibited within the corporate limits of St. Joseph Charter Township pursuant to the MRTMA, Section 6.1.

**SECTION FOUR. Penalties.**

- A.** Any violation of this Ordinance shall be a Municipal Civil Infraction, subject to payment of a civil fine of not more than \$500.00 for each day that a violation exists. A second or subsequent violation may be punished by a fine of not more than \$1,000.00 per day for each day that a violation exists. The Township shall also be authorized to recover any costs and attorney fees necessary to enforce this Ordinance under this Section.
  
- B.** Any violation of any provision of this Ordinance is hereby declared to be a public nuisance, and the Township may seek enforcement of the Ordinance by suit for injunction, damages, or any other appropriate legal or equitable action as against a public nuisance, at the expense of the property owner where the violation occurred pursuant to MCL 600.2940, which shall include the Township's actual costs and attorney fees, all of which may be charged as a lien against the premises where the violation has occurred or is occurring. Any such civil action may be in addition to any prosecution for violations of this Ordinance as a Municipal Civil Infraction. Commencement of any individual proceeding under this Section shall not constitute an election of remedies, and the Township shall remain free to elect any available remedy to enjoin the public nuisance, either at law or in equity.

**SECTION FIVE. Severability.**

The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

**SECTION SIX. Effective Date.**

This ordinance shall be published as required by law and shall take effect immediately after its enactment and publication.

**ORDINANCE DECLARED ADOPTED.**

\_\_\_\_\_  
Patrice Rose, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by ST. JOSEPH CHARTER TOWNSHIP, County of Berrien, State of Michigan, at a Regular Meeting, held on the \_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_ and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

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Patrice Rose, Clerk