

Webster Township

ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS

Ordinance No. 01-19

An Ordinance to prohibit marihuana establishments within the boundaries of Webster Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

A zoning ordinance regulating the development and use of land has been adopted by the township board of the township of Webster. (MC: 125.281a)

SUMMARY TABLE OF AMENDMENTS

Resolution	Adoption Date	Affected Sections	Summary
Resolution 01-19	January 15, 2019		Adopted new ordinance

THE TOWNSHIP OF WEBSTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE.

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

SECTION 2: INTENT AND PURPOSE.

The State of Michigan, by voter referendum of November 2018, approved the use and possession of recreational marihuana by individuals over the age of 21. The law also established at least six commercial recreational marihuana licensed establishments that may operate within the Township, subject to State of Michigan and Township regulation. This law has been identified as the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq., ("MRTMA") as may be amended. The Township determines that the general purposes of this ordinance are as follows:

1. The citizens of Webster Township approved the MRTMA with a vote of approximately 57% in favor to 43% opposed, indicating approval of some portion of the activities and uses allowed under the MRTMA.
2. Legitimate concerns remain regarding the proper regulation of recreational marihuana establishments either distinct from medical marihuana facilities allowed under the Michigan Medical Marihuana Facilities Licensing Act or combined with such facilities.
3. Certain provisions of the MRTMA create ambiguity as to potential impacts upon the Township.
4. The State of Michigan is charged with promulgating rules that will give further effect to the MRTMA and potentially address ambiguities in the MRTMA, but the State of Michigan has up to a year before such rules will be available for review and study by the Township.
5. The Township has a concern that proper regulation must be considered to address the MRTMA's impacts before allowing the commercial establishments permitted under the law.
6. The Township Board determines that the adoption of this Ordinance is necessary to preserve the public peace, health and safety by preventing the establishment of businesses related to recreational marihuana without proper time for the Township to study the new state law and properly determine how to effectuate appropriate regulation regarding it.

SECTION 3: DEFINITIONS.

Words used within this Ordinance shall be construed to have the same meaning as provided in the MRTMA.

SECTION 4: NO MARIHUANA ESTABLISHMENTS.

All marihuana establishments are prohibited within the boundaries of Webster Township pursuant to the MRTMA.

SECTION 5: 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 \$5,000, 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 Webster Township or by such other person(s) as designated by the Township Board from time to time.

SECTION 6: 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 7: REPEAL.

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

SECTION 8: EFFECTIVE DATE.

This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.