

**ORDINANCE TO PROHIBIT RECREATIONAL MARIHUANA  
ESTABLISHMENTS**

**TOWNSHIP OF BAINBRIDGE**

**COUNTY OF BERRIEN, STATE OF MICHIGAN**

**ORDINANCE NO. 56**

**ADOPTED: December 10, 2018**

**PUBLISHED: December 13, 2018**

**EFFECTIVE: January 13, 2018**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, 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.

BAINBRIDGE TOWNSHIP HEREBY ORDAINS:

**Section 1. TITLE.** This ordinance shall be known as and may be cited as the Bainbridge Township Prohibition of Marihuana Establishments Ordinance.

**Section 2. DEFINITIONS.** Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**Section 3. NO MARIHUANA ESTABLISHMENTS.** Bainbridge Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**Section 4. 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 \$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 5. 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 6. REPEAL.** All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days, after legal publication and accordance with the provisions of the Act governing same.

This ordinance duly adopted on December 10, 2018, at a regular meeting of the Bainbridge Township Board.

A motion that said Prohibition of Recreational Marihuana Establishments Ordinance be enacted was made by B. Hodge and supported by N. Weber at a regular meeting of the Bainbridge Township Board on the 10<sup>th</sup> day of December, 2018.

The names of the Township Board members and their votes are as follows:

	YES	NO
Bill Hodge	X	
Nancy Weber	X	
Patty Hiler-Molter	X	
John Yetzke	X	
Don Baiers	X	

#### **CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Bainbridge Township Board at a meeting held on the 10<sup>th</sup> day of December, 2018, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1076, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set of said meeting. I further certify that the foregoing Ordinance was published and filed as follows:

Published In: Tri City Record  
Date of Publication: December 13, 2018

Dated: December 13, 2018

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Patty Hiler-Molter, Clerk