

CHARTER TOWNSHIP OF ALPENA

ALPENA COUNTY, MICHIGAN

ORDINANCE NO. 136

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Charter Township of Alpena pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, 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.

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

SECTION I. TITLE.

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

SECTION II. DEFINITIONS.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, as may be amended ("the Act").

SECTION III. NO MARIHUANA ESTABLISHMENTS.

The Charter Township of Alpena hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to the Act, as may be amended.

SECTION IV. VIOLATIONS AND PENALTIES.

- A. Any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").
- B. The Charter Township of Alpena Supervisor and Charter Township of Alpena officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.
- C. A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.
- D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00

fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

E. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

I. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

SECTION V. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its publication as required by law.

SECTION VI. PUBLICATION; RECORDATION; AUTHENTICATION.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

SECTION VII. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

SECTION VIII. REPEAL.

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

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on the 31st day of January, 2019.

I further certify that the following Board members were present at the meeting: Supervisor Skibbe, Clerk Palevich, Treasurer Ellery-Somers, Trustee Poli, Trustee Dunckel, and Trustee Lappan, and that the following Board members were absent: Trustee Kroll.

I further certify that the Board member Trustee Poli moved for adoption of the ordinance, and the motion was supported by the Board member Dunckel.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: Supervisor Skibbe, Clerk Palevich, Treasurer Ellery-Somers, Trustee Poli, Trustee Dunckel, and Trustee Lappan, and the following Board members voted against the adoption of the ordinance: None.

Adopted and approved this 31st day of January, 2019, by the Charter Township of Alpena Board of Trustees.



A handwritten signature in blue ink, appearing to read "N. Skibbe", written over a horizontal line.

Nathan Skibbe
Charter Township of Alpena Supervisor

A handwritten signature in black ink, appearing to read "Michele P. Palevich", written over a horizontal line.

Michele Palevich
Charter Township of Alpena Clerk