

TOWNSHIP OF BRILEY
COUNTY OF MONTMORENCY, STATE OF MICHIGAN

NOTICE

TOWNSHIP OF BRILEY NOTICE OF ADOPTION OF ORDINANCE NO. 01-02-19 TAKE NOTICE that on the 19th of February 2019 the Township Board of the Township of Briley.

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

ORDINANCE NO.: 01-02-19, as follows:

ADOPTED: February 19, 2019

EFFECTIVE: March 27, 2019

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Briley Township 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 TOWNSHIP OF BRILEY, MONTMORENCY COUNTY, MICHIGAN ORDAINS:

SECTION I: TITLE

This ordinance shall be known as and may be cited as the Briley 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, the Michigan Regulation and Taxation of Marihuana Act, as may be amended.

SECTION III: NO MARIHUANA ESTABLISHMENTS

Briley Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act., as may be amended.

SECTION IV: VIOLATIONS AND PENALTIES

- A. Any person who disobeys neglects or refuses to comply with any provision of this ordinance shall be deemed to be responsible for the violation for a municipal civil infraction as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1951, as amended ("Public Act 236")
- B. The Briley Township Supervisor, the Briley Township Zoning Administrator and Briley Township officials and employees as may be authorized by the Township 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, 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 by 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: 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 30 days after its publication as required by law.

SECTION VIII: PUBLICATION, RECORDATION, AUTHENTICATION

This ordinance shall be published once, in full, in a newspaper of general circulation with the boundaries of Briley 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 Clerk shall authenticate this ordinance by placing his/her official signature upon the ordinance.

The Briley Township Board will place a referendum on the ballot at the next election to allow the citizens to vote on whether they want this ordinance to be continued or repealed.

This ordinance can be inspected, or a copy can be purchased at the Briley Township office.

Ed Comber, Clerk
Briley Township, Atlanta, Michigan