

## ORDINANCE NO. 191

An ordinance providing for the following: prohibiting marihuana establishments within the boundaries of Williams Township; prohibiting the sale or consumption of marihuana in any form in any public places within Williams Township; prohibiting the sale or display of marihuana accessories within Williams Township; providing definitions; providing a penalty for violation of this ordinance; providing for severability; and, providing an effective date, as authorized by the *Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (MCL 333.27951, et seq)*.

### WILLIAMS TOWNSHIP, BAY COUNTY, MICHIGAN ORDAINS:

**Section 1. Title.** This ordinance shall be known as and may be cited as the Charter Township of Williams Marihuana Prohibition Ordinance.

**Section 2. Definitions.** Words used herein shall have the definitions as provided for in the *Michigan Regulation and Taxation of Marihuana Act*, "Act," as may be amended.

**Section 3. Prohibition of Marihuana Establishments.** All marihuana establishments are hereby prohibited within the boundaries of Williams Township.

**Section 4. Prohibition of Sale and Consumption of Marihuana in Public Places.** The sale or consumption of marihuana in any form and the sale or display of marihuana accessories are hereby prohibited in any public places within Williams Township.

**Section 5.** This ordinance not limit any privileges, rights, immunities, or defenses of a person as provided in the *Michigan Medical Marihuana Act, 2008 IL 1, (MCL 333.26421, et seq.)*, the *Medical Marihuana Facilities Licensing Act, 2016 PA 281, (MCL 333.27101, et seq.)*, or any other law of this state allowing for or regulating marihuana for medical use.

### **Section 6. Violation 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 violation of the same shall be responsible for the violation of this ordinance. A violation of this ordinance shall be a nuisance *per se*.

2. A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500, in the discretion of the Court. 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 allowed by law.

5. This ordinance shall be administered and enforced by person(s) as nominated by the Township Supervisor and approved by the Township Board from time to time.

**Section 7. 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 8. Effective Date.** This ordinance or a summary of it shall be published in *The Valley Farmer* and shall become effective the day after the last required publication.

**Section 9. Adopted.** The above Ordinance was adopted at a regular meeting of the Township Board on the 12th day of February, 2019.

YEAS: P. Wasek, J. Platt, D. Friebe, T. Paetz, T. Platt

NAYS: B. Jean

ABSENT: J. Gower

**ORDINANCE DECLARED ADOPTED.**

**COPY**

CERTIFICATION

I, Jerome Putt, as Clerk for the Charter Township of Williams, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That the same was introduced and received by the Charter Township of Williams Board on the 8<sup>th</sup> day of January, 2019.

2. That the same was published in *The Valley Farmer* on the 17<sup>th</sup> day of January, 2019.

3. That the same was adopted by the Charter Township of Williams Board on the 12<sup>th</sup> day of March, 2019.

4. That the same was published in *The Valley Farmer* on the 28<sup>th</sup> day of March, 2019.

Dated: This 25<sup>th</sup> day of April, 2019.

Jerome E. Putt  
Jerome Putt, Township Clerk  
Williams Township  
Bay County, Michigan

**COPY**

AUTHENTICATION OF RECORD

We, Paul Wasek, Supervisor, and Jerome Putt, Clerk, for the Charter Township of Williams, Bay County, Michigan, hereby authenticate the following relative to the foregoing Ordinance:

1. That the same was adopted by the Charter Township of Williams Board on the 12<sup>th</sup> day of March, 2019.
2. That the following members of the Township Board voted yes, in favor of said Ordinance:  
P. Wasek, J. Putt, D. Friebe, T. Palcz, T. Putt
3. That the following members of the Township Board voted no, against said Ordinance:  
B. Jean
4. That the following members of the Township Board were absent: J. Gower

Dated: This 25<sup>th</sup> day of April, 2019.

CHARTER TOWNSHIP OF WILLIAMS  
Bay County, Michigan

By: Paul Wasek  
Paul Wasek, Supervisor

By: Jerome E. Putt  
Jerome Putt, Clerk