



## Elk Township - Lake County, Michigan

Mailing Address: P.O. Box 298 - Irons, MI 49644

Located at: 8966 N. Bass Lake Rd., Irons, MI

Ph: 231-266-5983; Email: elktwspclerk@gmail.com

### **PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE NO. 2019-01**

An ordinance to provide for the prohibition of recreational marihuana establishments within the boundaries of Elk 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 define words; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE TOWNSHIP OF ELK, LAKE COUNTY, MICHIGAN, HEREBY ORDAINS:**

#### **SECTION I - TITLE**

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

#### **SECTION II - 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 III - NO MARIHUANA ESTABLISHMENTS**

Elk 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 IV - 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

**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 become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Elk Township.

This Ordinance was offered for adoption by Township Board Member Lou Fitz and was seconded by Township Board Member Dave Bass, the vote being as follows: at a regular meeting of the Township Board of the Township of Elk, held at the Elk Township Hall, on the 11th day of June, 2019, at 7:00 p.m.

Upon a roll call vote, the following voted:

Ayes: 5

Nays: 0

Abstained: 0

Louis Fitz	<u>Yes</u>
Karen Fickies	<u>Yes</u>
Brandy Myers	<u>Yes</u>
Dave Bass	<u>Yes</u>
Jack Hankiewicz	<u>Yes</u>

The supervisor declared the resolution: Adopted

CERTIFICATION:

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE ADOPTED BY THE Township Board of the Township of Elk at a regular meeting held on December 12th, 2017, pursuant to the procedures as required by law.

Signed: Karen Fickies  
Karen Fickies, Elk Township Clerk



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### ELK TOWNSHIP RESOLUTION: REGARDING MEDICAL MARIJUANA FACILITIES AUTHORIZED BY PA 281 OF 2016

**WHEREAS**, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marijuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

**WHEREAS**, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marijuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

**WHEREAS**, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marijuana facilities within its jurisdiction, including zoning regulations...”; and

**WHEREAS**, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marijuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marijuana facilities authorized by PA 281 of 2016 has been applied for; and

**WHEREAS**, the Township Board of Elk Township, Lake County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marijuana facilities authorized by PA 281 of 2016 but desires to not do so.

**NOW THEREFORE** it is hereby resolved as follows:

1. Elk Township, Lake County, Michigan declines to adopt an ordinance authorizing any of the five types of medical marijuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township’s declination to adopt an ordinance authorizing any of the five types of medical marijuana facilities authorized by PA 281 of 2016, a **“marijuana facility shall not operate in the Township”**; and
3. The Township Clerk is authorized to provide a copy of this resolution to the State of Michigan, Medical Marijuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marijuana Licensing Board; and
4. The Township Clerk is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marijuana grower, processor, secure transporter, provisioning center or

ELK TOWNSHIP RESOLUTION: REGARDING MEDICAL MARIJUANA FACILITIES; AUTHORIZED BY PA 281 OF 2016

safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

BE IT FURTHER RESOLVED that this resolution is properly adopted by the Elk Township Board, at its regular meeting December 12, 2017.

The foregoing resolution is offered by Board Member: LOUIS FITZ

Supported by Board Member: JACK HANKIEWICZ

Upon a roll call vote, the following voted:

Louis Fitz	<u>YES</u>
Karen Fickies	<u>YES</u>
Brandy Myers	<u>YES</u>
Dave Bass	<u>YES</u>
<u>JACK HANKIEWICZ</u>	<u>YES</u>

Ayes: 5 Nays: 0 Abstained: 0

The supervisor declared the resolution: ADOPTED

Karen Fickies  
Karen Fickies, Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Elk Township Board held on December 12, 2017 that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Signed: Karen Fickies  
Karen Fickies, Clerk  
Township of Elk, Lake County, Michigan