

**TOWNSHIP OF SHELBY  
COUNTY OF OCEANA, STATE OF MICHIGAN**

**ORDINANCE NO. 120318-1**

**ADOPTED: 12-3, 2018**

**EFFECTIVE: 1-14-, 2019**

**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 Shelby Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Michigan 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.

THE TOWNSHIP OF SHELBY, OCEANA COUNTY, MICHIGAN, ORDAINS:

**Section 1. Title.** This Ordinance shall be known as and may be cited as the Shelby Township Prohibition of Marihuana Establishments Ordinance.

**Section 2. Definitions.** Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended.

**Section 3. Marihuana Establishment Prohibition.** The establishment, maintenance, and/or operation of "marihuana establishment[s]," as defined by MCL 333.27953(h), are hereby prohibited within the boundaries of the Township of Shelby.

**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 a violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se and shall be abated by order of a court of competent jurisdiction.
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 all costs and attorney fees incurred by the Township in connection with the prosecution of the municipal civil infraction and/or nuisance per se.
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 along with any other relief 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.

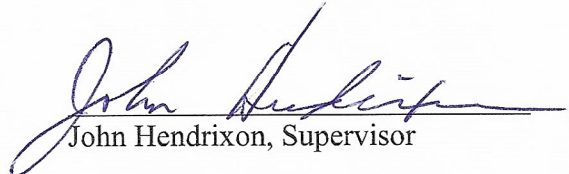
**Section 5. Severability and Captions.** The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

**Section 6. Repeal.** All ordinances or parts thereof which are in conflict in whole or in part with any provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

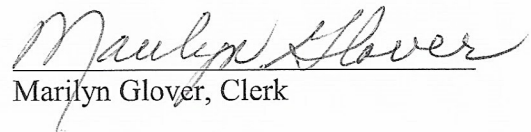
**Section 7. Effective Date.** This Ordinance shall be effective 30 days after the date of publication pursuant to MCL 41.184.

We, Marilyn Glover, Township of Shelby Clerk, and John Hendrixon, Township of Shelby Supervisor, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 120318-1 of the Township of Shelby, Michigan, was introduced and passed at a regular meeting of the Township Board, held on 12-3, 2018, by an affirmative vote of the majority of the Township Board members.

Date: 12-5, 2018

  
John Hendrixon, Supervisor

Date: 12-5, 2018

  
Marilyn Glover, Clerk