

TOWNSHIP OF CLAY
COUNTY OF ST. CLAIR, STATE OF MICHIGAN
ORDINANCE NO. 142

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 Clay 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 provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF CLAY
ST. CLAIR COUNTY, MICHIGAN

ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Clay 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, MCL 333.27951 *et seq.*, as may be amended.

SECTION III NO MARIHUANA ESTABLISHMENTS

Clay Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL *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 Clay Township Police Department or by such other person (s) as designated by the Township Board from time to time.

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 immediately.

CLAY TOWNSHIP
Cynthia Valentine, Clerk

ADOPTED: December 3, 2018
PUBLISHED December 12, 2018
EFFECTIVE: December 3, 2018

RESOLUTION 2018-55
PROHIBITION OF MARIHUANA ESTABLISHMENT ORDINANCE 142
TOWNSHIP OF CLAY
County of St. Clair and State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Clay, County of St. Clair, Michigan, held in the Township Hall, in said Township on the 3rd day of December 2018, at 7:00 p.m., with the following in attendance:

MEMBERS PRESENT: J. Arthur Bryson, Supervisor; Cynthia Valentine, Clerk; Kristi Hiltunen, Treasurer; Trustees: Sandee Kuhfeldt, Mark Borchardt, Chris O'Regan and Joanne Shirkey
MEMBERS ABSENT: None

The following Preamble and Resolution was offered by Trustee mark Borchardt and supported by Trustee Kuhfeldt:

WHEREAS, the Clay Township Board of Trustees has determined it is in the best interest of the Township to prohibit marihuana establishments within the Township; and

WHEREAS, the Board of Trustees desires to adopt the attached ordinance.

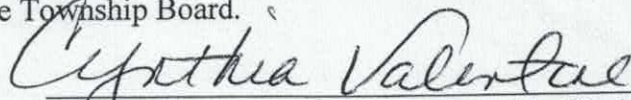
NOW, THEREFORE, BE IT RESOLVED THAT the attached Prohibition of Marihuana Establishment Ordinance 142 is hereby adopted.

All Resolutions and parts of Resolutions, insofar as they conflict with the provisions of this Resolution be and they, hereby, are rescinded.

AYES: J. Arthur Bryson, Supervisor; Cynthia Valentine, Clerk; Kristi Hiltunen, Treasurer;
Trustees: Sandee Kuhfeldt, Mark Borchardt, Chris O'Regan and Joanne Shirkey
NAYS: None

RESOLUTION DECLARED ADOPTED.

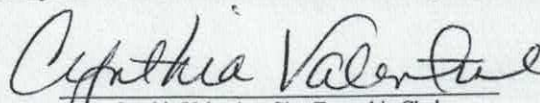
This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.



Cynthia Valentine, Clay Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Township of Clay, County of St. Clair, Michigan, at a regular meeting held on December 3, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Cynthia Valentine, Clay Township Clerk