

ORDINANCE NO. 74

TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN
WHITEFORD TOWNSHIP 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 Whiteford Township; 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 WHITEFORD, MONROE COUNTY MICHIGAN ORDAINS:

SECTION I
TITLE

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

SECTION II
DEFINITIONS

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the Department of Licensing and Regulatory Affairs.
- (c) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana infused products.
- (d) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- (e) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (f) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (g) "Marihuana infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(h) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(i) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(j) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(k) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(l) "Marihuana safety compliance facility" means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

(m) "Municipality" means a city, village, or township.

(n) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(o) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(p) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

SECTION III **NO MARIHUANA ESTABLISHMENTS**

1. Whiteford Township hereby prohibits all marihuana establishments within the boundaries of the township.

2. Nothing in this Ordinance shall be construed to prohibit a marihuana secure transporter, who is located in another municipality and has a valid state license, from using the public transportation system in Whiteford Township to transport marihuana to a marihuana establishment not in Whiteford Township.

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, that 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.

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 on the 30th day after it, or a summary of it, is published in a newspaper of general circulation in the Whiteford Township. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF WHITEFORD, COUNTY
OF MONROE, STATE OF MICHIGAN

AUTHENTICATED:

By: _____
Angela Christensen,
Whiteford Township Clerk

By: _____
Walter Ruhl,
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the Township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Township Board of the township of Whiteford, County of Monroe, State of Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 20th day of November, 2018.

The vote on said Ordinance, five (5) members being present and no (0) members being absent, was as follows:

AYES: Donald Sahloff, Tim Hill, Bernice Heidelberg, Angela Christensen, Walter Ruhl

NAYS: None

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 3rd day of December, 2018 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: November 20, 2018

Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: November 20, 2018

PUBLISHED: December 3, 2018

EFFECTIVE: January 3, 2018