

**CITY OF MCBAIN
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
WITHIN THE CITY**

Ordinance No. _____ of 2019

AN ORDINANCE PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 INITIATED LAW 1, § 6.1, MCL 333.27956, SUBSECTION 1, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF MCBAIN AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE CITY OF MCBAIN HEREBY ORDAINS:

Section 1. Marihuana Establishments Prohibited.

Pursuant to the authority granted under Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 6.1, MCL 333.27956, Subsection 1, the City of McBain hereby completely prohibits any marihuana establishment, as that term is defined in Section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 3(h), MCL 333.27953(h), within its boundaries.

Section 2. Violation; Penalty.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 3. Enforcement Officials.

The Mayor and any other person appointed by the City Council are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 4. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 5. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 6. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 7. Effective Date.

This Ordinance shall become effective twenty (20) days after its adoption.

Ordinance No. _____ was adopted on the _____ day of _____, 2019, by the McBain City Council as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Marcia Smith, Clerk

Joey Roberts, Mayor

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular meeting of the McBain City Council on _____, 2019 and published in the _____ on _____, 2019.

Dated: _____

Marcia Smith, Clerk