

## Onota Township

# Recreational Marijuana Establishment Prohibition Ordinance

An ordinance to prohibit recreational marijuana establishments within the boundaries of Onota Township pursuant to the Michigan Regulation and Taxation of Marijuana Act, being Initiated Law 1 of 2018 (MCL 333.27951 et seq., as may be amended); to provide violation penalties, severability, and an effective date; and to repeal all parts of ordinances in conflict therewith.

THE TOWNSHIP OF ONOTA, ALGER COUNTY, MICHIGAN, HEREBY ORDAINS:

### Section 1: Definitions

For the purpose of this ordinance, the wording is defined in the following manner:

"Township" means Onota Township.

Additionally, any and all 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 2: Prohibition of Establishments

Onota Township hereby prohibits all marijuana establishments within the boundaries of the Township, pursuant to the authority granted by Initiated Law 1 of 2018 (MCL 333.27951 et seq), as may be amended.

### Section 3: Violations and Penalties

- A. **Violation.** 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 as responsible for violation of this ordinance. A violation of this ordinance is deemed as a nuisance per se.
- B. **Civil Infraction; Penalties.** 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.
- C. **Offense by day.** Each day that which a violation continues shall be deemed a separate offense.
- D. **Injunctive Relief.** The Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and any other such relief as may be provided by law.
- E. **Enforcement.** This ordinance shall be administered and enforced by the Alger County Sheriff Office *(or such other official(s) designated by the Board)* at the request of the Township Board.

### Section 4: Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part otherwise thereof be declared invalid or unconstitutional by any court of competent jurisdiction, shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

## Section 5: Adoption; Effective Date

This ordinance or its summary shall be published once in a newspaper having general circulation in Onota Township and shall take effect 30 days after the date of the publication of the ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Motion: Brian Bresette  
Support: Cheryl Lane

Adoption: October 28, 2019

### Roll Call Vote

Ayes: Connie Lacko, Terry Pihlainen,  
Brian Bresette, Catherine Kimar, Cheryl Lane

Nays: *none*

Absent: *none*

---

### **CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Onota Township, Alger County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of the Ordinance that the Township Board adopted by resolution at a regular meeting at which a quorum was present and remained throughout; (2) the original thereof is on file in the records in office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (PA 267 of 1976, as amended) and (4) minutes of such meeting were kept and will be made available as required thereby.

---

Onota Township Clerk