

**CHARTER TOWNSHIP OF GARFIELD
NOTICE OF PUBLIC HEARING**

Ordinance No. 74

PLEASE TAKE NOTICE that the following proposed ordinance was introduced at a meeting of the Garfield Township Board on the 26th day of March, 2019 and that the same will be the subject of Public Hearing and consideration of passage by the Garfield Township Board at its meeting to be held on April 23, 2019 beginning at 6:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, MI 49684. The Township's telephone number is 231-941-1620.

ORDINANCE NO. 74

**AN ORDINANCE TO PROHIBIT MARIHUANA
ESTABLISHMENTS WITHIN THE TOWNSHIP**

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Intent

The intent of this Ordinance is to exercise the Charter Township of Garfield's authority to prohibit the establishment or operation of marihuana establishments within the Township as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

Section 2. Marihuana Establishments Prohibited

Pursuant to the authority conferred 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 Charter Township of Garfield 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 3. 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 4. Enforcement Officials

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

Section 5. 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 6. Separate Court Action

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

Section 7. 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 affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 8. Conflicting Ordinances

All prior existing ordinances adopted by the Charter Township of Garfield inconsistent with or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 9. Effective Date

This Ordinance shall become effective seven (7) days following publication. A copy of the Ordinance, may be purchased or inspected at the Garfield Township Offices, 3848 Veterans Drive, Traverse City, Michigan 49684, between the hours of 7:30 a.m. and 6:00 p.m., Monday through Thursday.

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TO THE RECORD EAGLE:

Please publish on: Sunday April 7, 2019
Please send affidavit and bill to: Garfield Township

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RECEIVED BY THE RECORD EAGLE VIA _____