

**CHARTER TOWNSHIP OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN**

ORDINANCE NO. 609

ADOPTED: _____

EFFECTIVE: _____

RECREATIONAL MARIJUANA ESTABLISHMENTS OPT OUT ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to opt out of the operation of recreational marijuana establishments in Kalamazoo Township pursuant to requirements of 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 CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Kalamazoo Township Recreational Marijuana Establishments Opt Out 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 AUTHORIZED RECREATIONAL MARIJUANA ESTABLISHMENTS**

Kalamazoo Township does not permit recreational marijuana establishments to operate within the township, and pursuant to the requirements of Initiated Law 1 of 2018, MCL 222.27951 *et seq.*, as may be amended, and the Rules promulgated thereunder, hereby prohibits all recreational marijuana facilities and establishments within the boundaries of Kalamazoo Township.

**SECTION IV
VIOLATIONS AND PENALTIES**

1. Any person, firm, corporation or other entity 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. Any person, firm, corporation or other

entity who establishes a recreational marijuana facility in Kalamazoo Township shall be deemed to be in 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 Zoning Administrator or Ordinance Enforcement Officer of the Township 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. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marijuana establishments pursuant to Initiated Law 1 of 2018, as may be amended.

SECTION VI
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII
EFFECTIVE DATE

This ordinance shall take effect on _____, 2019.

KALAMAZOO TOWNSHIP
Mark E. Miller, Clerk
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