

**DALLAS TOWNSHIP, CLINTON COUNTY, MICHIGAN**  
**ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS**  
**Ordinance #13**

At a meeting of the Dallas Township Board Township, Clinton County, Michigan, held at the Dallas Township Office on December 11, 2018, at 7 p.m., Board Member Stephanie Schafer moved to adopt the following Ordinance, which motion was seconded by Board Member Therese Koenigsknecht:

*An Ordinance to prohibit marihuana establishments within the boundaries of Dallas Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.*

DALLAS TOWNSHIP, CLINTON COUNTY, MICHIGAN ORDAINS:

**SECTION 1: TITLE.** This ordinance shall be known as and may be cited as the Dallas Township Prohibition of Marihuana Establishments Ordinance.

**SECTION 2: INTENT AND PURPOSE.** The State of Michigan, by voter referendum of November 2018, approved the use and possession of recreational marihuana by individuals over the age of 21. The law also established at least six commercial recreational marihuana licensed establishments that may operate within the Township, subject to State of Michigan and Township regulation. This law has been identified as the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, ("MRTMA") as may be amended. The Township determines that the general purposes of this ordinance are as follows:

1. Although the MRTMA was adopted by a majority of Michigan residents, the citizens of Dallas Township voted "No" on the MRTMA, with a vote of approximately 73% opposed to 27% in favor.
2. The MRTMA will be effective 10 days after certification of the November 2018 ballot results, which will be December 6, 2018.
3. Legitimate concerns remain regarding the proper regulation of recreational marihuana establishments either distinct from medical marihuana facilities allowed under the Michigan Medical Marihuana Facilities Licensing Act or combined with such facilities.
4. The present zoning and land use ordinance of the Township does not address the proper location of activities permitted under the MRTMA.
5. The State of Michigan is charged with promulgating rules that will give further effect to the MRTMA and potentially address ambiguities in the MRTMA, but the State of Michigan has a year before such rules will be available for review and study by the Township.



6. The Township has a concern that proper regulation must be considered to address the MRTMA's impacts before allowing the commercial establishments permitted under the law.

**SECTION 3: DEFINITIONS.** Words used within this Ordinance shall be construed to have the same meaning as provided in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

**SECTION 4: NO MARIHUANA ESTABLISHMENTS.** All marihuana establishments are prohibited within the boundaries of Dallas Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended.

**SECTION 5: 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, 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 Dallas Township or by such other person(s) as designated by the Township Board from time to time.

**SECTION 6: 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 7: REPEAL.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8: EFFECTIVE DATE.** This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.



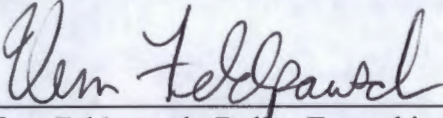
ROLL CALL VOTE:

YEAS: A. Schafer; V. Feldpausch; T. Koenigsknecht; S. Schafer

NAYS: None

ABSENT/ABSTAIN: E. Marvel - Absent

ORDINANCE DECLARED ADOPTED

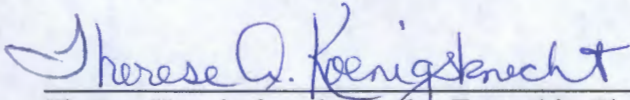


Vern Feldpausch, Dallas Township Supervisor

**CERTIFICATION**

I, Therese Koenigsknecht, Clerk of Dallas Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance #13, adopted by the Dallas Township Board on December 11, 2018. A summary of the Ordinance was duly published in the Clinton County newspaper, a newspaper that circulates within Dallas Township, on December 16, 2018. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Clinton County Clerk on December 20, 2018.

Attested:

  
Therese Koenigsknecht, Dallas Township Clerk