

ORDINANCE NO. ____-19

CITY OF LATHRUP VILLAGE

OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 18, BUSINESSES, ADDING ARTICLE VI, MARIJUANA ESTABLISHMENTS, SEC. 18.281 “MARIJUANA ESTABLISHMENTS PROHIBITED,” TO PROHIBIT MARIJUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE. THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

Section 1 of Ordinance. Ordinance Amendment

Chapter 18, “Businesses,” of the City of Lathrup Village Code of Ordinances is hereby amended to add a new Article VI, “Marijuana Establishments,” Sec. 18-281, “Marijuana Establishments Prohibited,” to read as follows:

Sec. 18-281. – Marijuana Establishments Prohibited.

- a. *Intent; Purpose.* The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, and more specifically Section 6(1) thereof, MCL 333.27956(1), authorizes municipalities to prohibit marijuana establishments within their boundaries by adoption of an ordinance. Adoption of such an ordinance does not preclude a municipality from further studying and revisiting the issue at a future date.
- b. *Prohibition of Marijuana Establishments.*
 1. *Definitions.* Words used in this section shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.
 2. *Prohibition.* Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marijuana establishments are prohibited within the boundaries of the City.
 3. *Penalty.* A person who violates this section shall be responsible for a municipal civil infraction punishable as set forth in Chapter 2, Section 2-201 of this Code. Such sanctions shall be in addition to the rights of the City to proceed at law or equity with other appropriate and proper remedies, including, but not limited to, the right to seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law. Additionally, the violator shall pay all costs, including all direct and indirect expenses that the City incurs in connection with the

municipal civil infraction. Each day during which any violation continues shall be deemed a separate offense.

Section 2 of Ordinance. Repealer.

This ordinance repeals any ordinances in conflict thereof.

Section 3 of Ordinance. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4 of Ordinance. Savings Clause.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5 of Ordinance. Publication and Effective Date.

This ordinance shall be effective upon publication. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

Section 6 of Ordinance. Sunset Provision.

This ordinance can be repealed or modified at any time, has a sunset provision, and is not effective 18 months after enactment unless reauthorized by ordinance of City Council.

Section 7 of Ordinance. Adoption.

That this ordinance was duly adopted by the City of Lathrup Village City Council at its regular meeting called and held on _____, 2019 and was ordered given publication in the manner required by law.

CITY OF LATHRUP VILLAGE

YVETTE TALLEY, City Clerk

Introduction Date: March 4, 2019

Adoption Date: _____, 2019

Publication Date: _____, 2019

Effective Date: _____, 2019