

**VILLAGE OF PENTWATER
COUNTY OF OCEANA, STATE OF MICHIGAN**

Ordinance No. 03 of 2019

ADOPTED: June 10 2019

EFFECTIVE: July 1, 2019

MORATORIUM OF MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to amend the Village of Pentwater, Michigan, Code of Ordinances, by adding a new chapter which new chapter shall be designated as Chapter 115; to provide a title for the ordinance; to define words; to place a moratorium on marihuana establishments within the boundaries of the Village of Pentwater pursuant to the Michigan Regulation and Taxation of Marihuana Act, Michigan 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; to provide an effective date; and to provide a sunset date.

THE VILLAGE OF PENTWATER, OCEANA COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known as and may be cited as the Village of Pentwater Moratorium of Marihuana Establishments Ordinance and shall be designated as Chapter 115 in the Code of Ordinances.

Section 2. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 115.01, which shall provide as follows:

§115.01 Definitions. Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended.

Section 3. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 115.02, which shall provide as follows:

§ 115.02 Marihuana Establishment Moratorium. The establishment, maintenance, and/or operation of “marihuana establishment[s,]” as defined by MCL 333.27953(h), are hereby prohibited within the boundaries of the Village of Pentwater for a period of 365 days following the effective date of this Ordinance. If this Ordinance is not renewed or extended after the expiration of the 365-day period, this Ordinance shall be automatically repealed.

Section 4. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 115.03, which shall provide as follows:

§ 115.03 Violations and Penalties.

- A. 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 a violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se and shall be abated by order of a court of competent jurisdiction.
- B. A violation of this Ordinance is a Class C 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 Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay all costs and attorney fees incurred by the Village in connection with the prosecution of the municipal civil infraction and/or nuisance per se.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Ordinance along with any other relief provided by law.
- E. This Ordinance shall be administered and enforced by the Chief of Police, Ordinance Enforcement Officer, or any other Authorized Village Official.

Section 5. Severability and Captions. 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 this Ordinance, which shall continue in full force and effect. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 6. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective 20 days after the date of passage pursuant to MCL 66.1.

Section 8. Sunset Provision. This Ordinance shall continue in effect for a period of 365 days from the effective date at which time this Ordinance shall be automatically repealed if not extended. The Village Council may repeal or extend this Ordinance before the expiration of the 365-day period.

We, Rande Listerman, Village of Pentwater Clerk, and Jeffrey Hodges, Village of Pentwater President, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 04-2019 of the Village of Pentwater, Michigan, was introduced and passed at a regular meeting of the Village Council, held on June 10, 2019, by an affirmative vote of the majority of the Village Council members.

AYES:Members:Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges

NAYS:Members:None.

ABSENT:Members:Angell-Powell.

. ORDINANCE DECLARED ADOPTED.

Jeffrey Hodges, Village President
Village of Pentwater

Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on June 10, 2019, and I further certify that public notice of such meeting was given as provided by law.

Rande S. Listerman, Village Clerk
Village of Pentwater