

**TOWNSHIP OF CHIPPEWA,
COUNTY OF MECOSTA, MICHIGAN**

**NOTICE OF ADOPTION OF TOWNSHIP ORDINANCE
AND SUMMARY OF THE REGULATORY EFFECT THEREOF**

PUBLIC NOTICE IS HEREBY GIVEN that on June 18, 2019, the Township Board of the Township of Chippewa adopted Ordinance No. 2019-06-01, which is a regulatory ordinance. The following are the principal terms of the ordinance:

1. Purpose; Recitals. Section 1 of the Ordinance sets forth the purpose of the Ordinance and includes recitals as to the Township's intent in adopting the Ordinance, which includes opting out of permitting recreational marihuana establishments in the Township for a specific period of time to permit the Township to consider, review and make determinations regarding the rules to be promulgated by the Michigan Department of Licensing and Regulatory Affairs once such rules are finalized.
2. Prohibition on Recreational Marihuana Establishments. Section 2 of the Ordinance prohibits, in the Township, any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018 (commonly known as the Michigan Regulation and Taxation of Marihuana Act).
3. Rights Under MMMA Not Impaired. The Ordinance does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act.
4. Transportation Not Prohibited. Section 4 of the Ordinance provides that the Ordinance does not prohibit the transportation of marihuana through the Township by a secure transporter licensed to operate in another municipality, or as otherwise permitted by state law.
5. Violations and Penalties. Section 5 provides that the violation of the Ordinance is a municipal civil infraction.
6. Severability. Provisions of the Ordinance are severable in the event a portion of the Ordinance is declared void or unenforceable.
7. Publication. The Ordinance will be published in full or in summary in a newspaper of general circulation in the Township.
8. Effective Date. The Ordinance will be effective 30 days following publication of the Ordinance or a summary of its provisions in a newspaper, and shall remain in effect until February 15, 2020, or such other time as specified by ordinance adopted by the Township Board.

The text of the amending ordinance is on file and may be examined at the offices of the Chippewa Township Clerk, 19171 4th Street, Chippewa Lake, during Township office hours.

Dated: June 18, 2019

TOWNSHIP BOARD OF THE
TOWNSHIP OF CHIPPEWA

**TOWNSHIP OF CHIPPEWA
COUNTY OF MECOSTA, MICHIGAN**

Minutes of a Special meeting of the Township Board of the Township of Chippewa, County of Mecosta, Michigan, held in the Chippewa Branch Library located in the Township, on the 18th day of June, 2019, at 6 p.m.

PRESENT: Members: Bryan Roels, Julie Austin, Kristin Lytle, Duane Scott, & Debra Zielinski

ABSENT: Members: None

The following ordinance was offered by Member K.Lytle and seconded by Member J.Austin.

ORDINANCE NO. 2019-06-01

**AN ORDINANCE TO “OPT OUT” OF PERMITTING RECREATIONAL
MARIHUANA ESTABLISHMENTS IN THE TOWNSHIP FOR A SPECIFIED PERIOD
AND MATTERS RELATED THERETO**

THE TOWNSHIP OF CHIPPEWA ORDAINS:

Section 1. Purpose; Recitals.

- A. This Ordinance is adopted pursuant to Section 6 of Michigan Initiated Law 1 of 2018, commonly known as the “Michigan Regulation and Taxation of Marihuana Act,” which authorizes a municipality, such as the Township of Chippewa, to prohibit or limit the number of marihuana establishments within its boundaries.
- B. Pursuant to Michigan Initiated Law 1 of 2018, the Michigan Department of Licensing and Regulatory Affairs (“LARA”) is required to promulgate rules to implement and administer Michigan Initiated Law 1 of 2018 and is required to formulate and promulgate such rules on or before December 6, 2019.
- C. The Township determines that it is necessary and in the best interests of the public health, safety and welfare of the Township’s residents and businesses to adopt this Ordinance so as to provide sufficient time for the Township to determine whether to permit some or all of the marihuana establishments (as defined in Michigan Initiated Law 1 of 2018) within the Township and to consider, review and make determinations regarding the rules once promulgated by LARA.

Section 2. Marihuana Facilities/Establishments Prohibited. The establishment and/or operation of any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, is prohibited throughout the jurisdictional boundaries

of Chippewa Township. This prohibition includes, but is not limited to, the following types of marihuana establishments:

- A. Marihuana grower.
- B. Marihuana safety compliance facility.
- C. Marihuana processor.
- D. Marihuana microbusiness.
- E. Marihuana retailer.
- F. Marihuana secure transporter.
- G. Any other type of marihuana-related business that is subject to licensing by LARA under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

Section 3. Rights Under MMMA Not Impaired. This Ordinance does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

Section 4. Transportation of Marihuana. This Ordinance does not restrict or prohibit the transportation of marihuana through the Township by (a) a marihuana secure transporter who is licensed to operate in another municipality, or (b) a means otherwise authorized by state law.

Section 5. Violations; Injunctive Relief.

A. A violation of this Ordinance is hereby declared to be a nuisance per se. The Township may seek injunctive relief against a violator, in order to abate the violation or to seek such other relief provided by law. In a proceeding for injunctive relief, the violator shall be responsible for all costs, damages, expenses and attorney fees incurred by the Township and shall be subject to all other remedies provided to the Township by law.

B. 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.

C. This ordinance shall be administered and enforced by the Township Supervisor, Township Ordinance Enforcement Officer, or by such other person (s) as designated by the Township Board from time to time.

Section 6. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction

to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

Section 7. Publication. This Ordinance or a summary of its provisions shall be published in a local newspaper of general circulation.

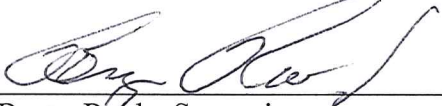
Section 8. Effective Date. This Ordinance shall become effective upon the publication of the Ordinance or a summary of its provisions in a local newspaper of general circulation. This Ordinance shall remain in full force and effect until February 15, 2020, or until such other time specified by ordinance of the Township Board.

AYES: Bryan Roels, Julie Austin, Kristin Lytle, Duane Scott, & Debra Zielinski


NAYS: None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Township of Chippewa, Mecosta County, Michigan, on June 17, 2019, and approved by me on June 17, 2019.


Bryan Roels, Supervisor
Township of Chippewa

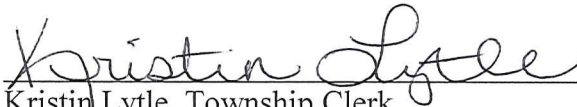
ATTEST:


Kristin Lytle
Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Chippewa, County of Mecosta, State of Michigan, at a Special Board meeting held on June 17, 2019, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.


Kristin Lytle, Township Clerk