

**AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE PROHIBITING COMMERCIAL MEDICAL MARIHUANA FACILITIES
ORDINANCE NO. 2018-03**

At a regular meeting of the Township Board of Augusta Charter Township, Washtenaw County, Michigan, held at 8021 Talladay Road, Whittaker, Michigan 48190 on January 8, 2019 at 7:00 p.m., Township Board Member Chie moved to adopt the following Ordinance, which motion was seconded by Township Board Member Ortiz:

An Ordinance to prohibit Commercial Medical Marihuana Facilities under the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, in order to Protect the public health, safety and general welfare of Township residents and Visitors; and to repeal any ordinances or parts of ordinances or resolutions in Conflict with this Ordinance.

THE TOWNSHIP OF AUGUSTA CHARTER ORDAINS:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance, unless another meaning is obvious from the context in which the words are used:

1. "Commercial Medical Marihuana Facility" or "Facility" means any one of the following:
 - A. "Provisioning Center," as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");
 - B. "Processor," as that term is defined in the MMFLA;
 - C. "Secure Transporter," as that term is defined in the MMFLA;
 - D. "Grower," as that term is defined in the MMFLA;
 - E. "Safety Compliance Facility," as that term is defined in the MMFLA.
2. "Marihuana" means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
3. "Medical Marihuana" means that term as defined in MCL 333.26423.
4. "Qualifying Patient" means a "registered qualifying patient" of a "visiting qualifying patient" as those terms are defined by MCL 333.26421, et seq.

5. "Person" means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
6. "Primary Caregiver" means a person qualified under MCL 333.26423(g) to assist with a patient's medical use of marihuana.

Section 2. Prohibition of Commercial Medical Marihuana Facilities.

1. Uses Prohibited. Commercial Medical Marihuana Facilities defined in this Ordinance are prohibited from operating within the Township, and no property within the Township may be used for the operation of such Facilities. No person shall operate, cause to be operated, or permit to be operated a Commercial Medical Marihuana Facility in the Township.
2. Qualifying Patients and primary caregivers. Nothing in this ordinance shall be construed to prohibit, regulate or otherwise impair the use of cultivation of Medical Marihuana by Qualifying Patients and Primary Caregivers in strict compliance with the Michigan Medical Marihuana Act, codified at MCL 333.26421 et seq., or any rules or regulations promulgated thereunder. The operation of a dispensary, provisioning center, Marihuana growing facility or similar business operation that allows or facilitates conduct not expressly permitted under the Michigan Medical Marihuana Act is prohibited, including but not limited to facilities allowing Patient-to-Patient transfers, multiple Primary Caregivers operating from a single facility, or a Primary Caregiver serving more than five (5) Qualifying Patients.

Section 3. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day a violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance may be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of

each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.

3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings of injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 4. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 5. Repeal Any ordinances in Conflict. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the ordinance.

This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the 8th day of January 2019 at 7:00 p.m. and was ordered given publication in the manner required by law.



Brian Shelby, Supervisor
Charter Township of Augusta

First Reading: November 26, 2018

First Publication: December 2, 2018

Adoption: January 8, 2019

Final Publication and Effective Date: January 13, 2019/January 14, 2019

CERTIFICATE

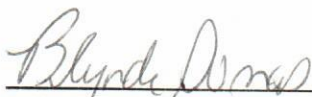
I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2018-03, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on January 8, 2019, after said ordinance had previously been introduced at a Regular Meeting of the Board held November 26, 2018, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Chie moved for the adoption of said Ordinance, and that Member Ortiz supported said motion.

I further certify that the following Members voted for adoption of said Ordinance; Burek, Chie, Knick and Ortiz, and that No Member voted against adoption of said Ordinance and that Members Domas, Howard and Shelby were absent or abstained from voting on the adoption of said Ordinance as indicated.

I further certify that after its passage the Ordinance was published in the Ann Arbor News on January 13, 2019, in accordance with P.A. 359 of 1947, as amended.

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



Belynda Domas, Clerk
Charter Township of Augusta

Dated: 1/14/19