

**TOWNSHIP OF DOUGLASS
COUNTY OF MONTCALM, MICHIGAN**

Minutes of a regular meeting of the Township Board of the Township of Douglass, Montcalm County, Michigan, held electronically, in accordance with Sections 3 and 3a of the Michigan Open Meetings Act, MCL 15.261, *et seq.*, on the 10th day of February, 2021, at 7:00 p.m. Local Time.

PRESENT: Members: T. Jeppesen, D. Poulsen, A. Laper, T. Anderson, R. Snyder

ABSENT: Members: _____

The following ordinance was offered by Member D. Poulsen and seconded by Member T. Jeppesen.

ORDINANCE NO. 151

**AN ORDINANCE TO COMPLETELY PROHIBIT THE ESTABLISHMENT OR
OPERATION OF RECREATIONAL MARIHUANA ESTABLISHMENTS IN
DOUGLASS TOWNSHIP AND TO REGULATE THE ADULT USE OF MARIHUANA
IN THE TOWNSHIP**

THE TOWNSHIP OF DOUGLASS ORDAINS:

Section 1. Marihuana 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, commonly known as the Michigan Regulation and Taxation of Marihuana Act. MCL 333.27951, *et seq.*, is prohibited throughout the jurisdictional boundaries of Douglass 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. Marijuana retailer.
- F. Marijuana secure transporter.
- G. Any other type of marijuana-related business that is subject to licensing by the state department of licensing and regulatory affairs (“LARA”) under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

Section 2. Prohibition of Marijuana Consumption in Public Places

Marijuana shall not be consumed in a public place or any outdoor location if the location is clearly visible from a public place. The term public place means a place to which the public or a substantial number of the public have access, and includes, but is not limited to, streets and highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings or facilities.

Section 3. Prohibition of Marijuana Use in a Motor Vehicle

Marijuana shall not be consumed in or on a motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat.

Section 4. Outdoor Cultivation of Marijuana

Marijuana plants shall not be cultivated outdoors if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids. Any outdoor areas devoted to the cultivation of marijuana plants shall comply with the following requirements.

- A. The cultivated area shall only be located on a parcel that contains a dwelling unit or other principal use permitted in that zoning district. The area shall only be located in the rear yard and shall be completely enclosed by a solid fence or wall six feet in height;
- B. The enclosed area shall be equipped with a locked entrance or the area shall be equipped with other functioning security devices that restrict access to the area; and,
- C. No more than 12 marijuana plants shall be cultivated on the premises at any one time.

Section 5. 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 Marijuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

Section Transportation of Marijuana

This Ordinance does not restrict or prohibit the transportation of marijuana through the Township by (a) a marijuana secure transporter who is licensed by another municipality, or (b) a means otherwise authorized by state law.

Section 7. 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 or 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. Each day during which any violation continues shall be deemed a separate offense.

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

Section 8. Severability

Each portion of this Ordinance shall be deemed to be severable. Should any provisions 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 9. Publication and Effective Date

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: 5

NAYS: 0

ORDINANCE DECLARED ADOPTED.

Ronda L Snyder

Ronda L Snyder, Clerk

Douglass Township

STATE OF MICHIGAN)
)ss.
COUNTY OF MONTCALM)

I, the undersigned, the duly qualified and acting Clerk of the Township of Douglass, Montcalm County, Michigan (the “Township”), do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board at a regular meeting on February 10, 2021, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 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 the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature of this 10 day of February, 2021.

Ronda L Snyder
Ronda L Snyder, Clerk
Township of Douglass