

**BENTON CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

Zoning Ordinance No. 2019-002

Prohibition of Recreational Marihuana Establishments

The purpose of this ordinance to provide a title for the ordinance; to define certain words; to prohibit recreational marihuana establishments within the boundaries of Benton Charter Township pursuant to 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; and to provide an effective date.

**Benton Charter Township
Berrien County, Michigan**

Ordains:

- (1) *Title.* This ordinance shall be known as and may be cited as the Benton Charter Township Prohibition of Recreational Marihuana Establishments Ordinance.
- (2) *Definitions.* Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL MCL 333.27951, et seq., as may be amended.
- (3) *No recreational marihuana establishments.* Benton Charter Township hereby prohibits all recreational marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended. This ordinance shall have no effect on the Township's allowance of Medical Marihuana facilities.
- (4) *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 the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
 - 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, at 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. In addition, the Township may seek injunctive relieve against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

E. This ordinance shall be administered and enforced by the Benton Charter Township Police Department, the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

(5) *Severability*. 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 such ordinance which shall continue in full force and effect.

(6) *Repeal*. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

(7) *Effective Date*. This ordinance shall take effect _____, 2019.

Carolyn Phillips - Township Clerk

2nd Reading & Adoption – July 2, 2019

Advertise: 7/14/2019

Publication: Herald Palladium/Legal Ad

Effective Date: 8/14/2019