

**DELHI CHARTER TOWNSHIP
INGHAM COUNTY, MICHIGAN
NOTICE OF INTENT TO ADOPT
TOWNSHIP ORDINANCE NO. 130**

PLEASE TAKE NOTICE that the following proposed Ordinance No. 130 was introduced for consideration and adoption before the Township Board on the 16th day of July, 2019.

PREAMBLE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana facilities and marihuana establishments within the boundaries of Delhi Charter Township pursuant to Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, *et seq.*, as may be amended, and Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, as may be amended; to prohibit the sale and consumption of Marihuana in public places; 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.

SECTION I - TITLE

This ordinance shall be known as and may be cited as the “Delhi Charter Township Prohibition of Marihuana Facilities and Marihuana Establishments Ordinance.”

SECTION II - DEFINITIONS

Words used herein shall have the definitions as provided for in Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, *et seq.*, as may be amended, and Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, as may be amended.

SECTION III - NO MARIHUANA FACILITIES AND MARIHUANA ESTABLISHMENTS

Delhi Charter Township hereby prohibits all medical marihuana facilities within the boundaries of the Township pursuant to Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, *et seq.*, as may be amended, and prohibits marihuana establishments pursuant to Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, as may be amended.

SECTION IV - PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

1. In conformance with Michigan Regulation and Taxation of Marihuana Act, Sections 4.1(e) and 6.2(b) of the Act, except as otherwise provided in this section, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public place within the boundaries of Delhi Charter Township.

2. This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

SECTION V - VIOLATIONS AND PENALTIES

1. 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 an nuisance per se.
2. 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 civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief or other legal measures as provided by law against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township, any law enforcement official having jurisdiction, or by such other person(s) as designated by the Township Board from time to time.

SECTION VI - SAVINGS CLAUSE

Except as expressly amended herein, all other provisions of the Delhi Charter Township Code and Ordinances shall remain in full force and effect.

SECTION VII - REPEAL

All Township Codes and Ordinances or parts of Code and Ordinances of the Charter Township of Delhi inconsistent herewith shall be and are hereby repealed, insofar as they may be inconsistent with the provisions of this Ordinance. The adoption of this Ordinance shall not, however, invalidate any prosecution or other legal proceeding taken in connection with a similar subject matter under ordinances existing at the time such action was initiated.

SECTION VIII - SEVERABILITY

It is the legislative intent of the Township Board adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and

general welfare of the inhabitants of the Township and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Delhi Charter Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

SECTION IX - EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its adoption and publication as provided by law.

It is anticipated that the final adoption of said ordinance will take place at a regular meeting of the Township Board to be held on the 20th day of August, 2019, in the Multipurpose Room at the Delhi Charter Township Community Services Center at 2074 Aurelius Rd., Holt, MI 48842 or such other place or time as the Board may deem appropriate. Interested persons are encouraged to contact the Delhi Charter Township Clerk in person or by phone at (517) 694-2135 for confirmation of time and place where adoption may occur.

Evan Hope, Township Clerk