

TOWNSHIP OF WINFIELD  
COUNTY OF MONTCALM

STATE OF MICHIGAN

Board member Colleen Stebbins seconded by Board member Cathy Killinger moved the adoption of the following ordinance:

**ORDINANCE NO. 1-10-19 (1).**

**ADOPTED:** January 10., 2019

**EFFECTIVE:** January 31. 2019

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS AND  
FACILITIES IN THE TOWNSHIP OF WINFIELD

THE TOWNSSHIP OF WINFIELD ORDAINS:

Section 1. Definitions:

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) IHRA means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.
- (b) Marihuana establishment means that term as defined in the MRTMA.
- (c) Marihuana facility means that term as defined in the MMFLA.
- (d) MMFLA means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- (e) MMMA means the Michigan Medical Marihuana Act, 2008 UK 1, as amended.
- (f) MRTMA means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as mended.

Section 2. Marihuana Establishments and Facilities Prohibited.

- (a) Pursuant to law and Section 6 of the MRTMA, Marihuana establishments are prohibited within the boundaries of the Township.
- (b) Marihuana facilities are prohibited within the boundaries of the Township.

Section 3. Rights Unaffected by Ordinance.

- (a) Except as specifically provided in Section 2, this ordinance shall not affect the rights or privileges of any individual or other person preserved under the MRTMA.

- (b) This ordinance does not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
- (c) This ordinance does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
- (d) This ordinance does not affect the rights or privileges of any individual or other person under the IHRA.
- (e) This ordinance does not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

#### Section 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, 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.
- (b) Each day during which any violation continues shall be deemed a separate offense.
- (c) Each day during which any violation continues shall be deemed a separate offense.
- (d) In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance and such other relief as may be provided by law.
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- (e) This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

#### Section 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.

Section 6. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date

This ordinance shall take effect the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

YEAS: Phyllis Larson, Colleen Stebbins, Cathy Killinger, John Black, Steve Cole.

NAYS: None

ABSENT: None

Section

This ordinance shall take effect January 31, 2019

I, Colleen Stebbins, the Clerk of the Township o Winfield, attest that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Township at a regularly scheduled meeting held on January 10, 2019,  
Which meeting was held accordance with state law.

WINFIELD TOWNSHIP

Colleen Stebbins, Clerk

Colleen Stebbins Clerk

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COUNTY OF MONTCALM  
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**ORDINANCE DECLARED ADOPTED**