

Benzonia Village

Ordinance. No. 2019-02

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

Purpose: An ordinance to amend in part the Ordinance entitled "Village of Benzonia Zoning Ordinance, Adopted October 2, 1997 Amended", to prohibit marihuana establishments within the boundaries of the Village of Benzonia pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, 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.

Benzonia Village HEREBY ORDAINS

SECTION 1. Title

This ordinance shall be known as and may be cited as the Village of Benzonia Prohibition of Marihuana Establishments Ordinance.

SECTION 2. Definitions

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, as may be amended.

SECTION 3. No Marihuana Establishments

Village of Benzonia hereby prohibits all marihuana establishments within the boundaries of the Village pursuant to Initiated Law 1 of 2018, as may be amended.

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 Village 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 Village 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 Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. Violations of the ordinance shall be enforced by the Zoning Administrator who is authorized to issue municipal civil infractions notices and citations pursuant to the authority of and as provided in applicable state law.

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 become effective upon the publication in accordance with law.

At a regular meeting of the Village Council for Benzonia Village held on the ____ day of _____, 20 ____, Trustee _____, moved for the adoption of the foregoing ordinance and Trustee _____ supported the motion.

Voting For:

Voting Against:

The Village President declared the ordinance adopted.

Timothy Flynn,

Village President.

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2019_02, which was enacted by the Village Council for the Benzonia Village at a regular meeting held on _____

Rhonda Nye,

Village Clerk