

CEM/sc 12-20-18

**TOWNSHIP OF CLIMAX  
COUNTY OF KALAMAZOO, STATE OF MICHIGAN**

**ORDINANCE NO. 145**

**ADOPTED: JANUARY 8, 2019**

**EFFECTIVE: 30 DAYS AFTER PUBLICATION**

The Township of Climax ORDAINS:

**SECTION I**  
**TITLE**

This ordinance shall be known as the Climax Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II**  
**LEGAL AUTHORITY**

This Ordinance is enacted pursuant to the Michigan Regulation and Taxation of Marihuana Act (initiative legislation approved by the voters as Proposal 1 at the November 6, 2018 general election) to completely prohibit any ‘marihuana establishment’ as that term is defined in the Act and herein within the boundaries of Climax Township. This Ordinance is also enacted pursuant to the authority granted to the Township Board by MCL 41.181 to adopt ordinances regulating the public health, safety, and general welfare of persons and property.

**SECTION III**  
**COMPLETE PROHIBITION OF MARIHUANA  
ESTABLISHMENTS WITHIN CLIMAX TOWNSHIP**

Marihuana establishments shall be and hereby are completely prohibited within the boundaries of Climax Township.

**SECTION IV**  
**DEFINITIONS**

For the purposes of this Ordinance, the term “marihuana establishment” is defined exactly as defined in Section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana related business licensed by the department”.

**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 a 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, 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.

3. Each day during which any violation continues shall be deemed a separate offense.

4. 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.

5. 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 VI**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, such declaration shall not affect any portion of this Ordinance other than the part declared to be invalid.

**SECTION VII**  
**EFFECTIVE DATE AND NON-REPEAL**

This Ordinance shall take effect 30 days following the date of the publication of the Ordinance as provided by MCL 41.184.

---

Marcia Lewis, Township Clerk

**CERTIFICATION**

I hereby certify that the above is a true copy of an ordinance adopted by the Climax Township Board at a regular meeting held at the Climax Township Hall on January 8, 2019, at 7:00 p.m. East Standard Time, pursuant to the required statutory notice and procedures.

---

Marcia Lewis, Township Clerk