

ORDINANCE NO. 19-01

TOWNSHIP OF KOCHVILLE

SAGINAW COUNTY, MICHIGAN

AN ORDINANCE TO PROHIBIT RECREATIONAL MARIHUANA ESTABLISHMENTS

An ordinance of Kochville Township to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Kochville Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, 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.

Accordingly, the Board of Trustees of Kochville Township ordains as follows:

SECTION I: TITLE

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

SECTION II: DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION III: MARIHUANA ESTABLISHMENTS PROHIBITED

Kochville Township hereby prohibits all marihuana establishments within the boundaries of Kochville Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION IV: 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 per violation, 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, including the legal fees that the Township incurs in prosecuting the violator of this ordinance.

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 V: 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 VI: REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: SAVINGS CLAUSE

All proceedings pending and all rights and liability existing, acquired or incurred at the time the Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION VIII: INSPECTION OF ORDINANCE

A copy of this Ordinance may be obtained from the Kochville Township Clerk, at the following address: 5851 Mackinaw Road, Saginaw, Michigan 48604.

SECTION IX: TOWNSHIP PUBLICATION

The Township Clerk is hereby ordered and directed to cause this Ordinance, or a summary thereof, to be published in a newspaper of general circulation within Kochville Township as required by Michigan law.

SECTION X: EFFECTIVE DATE

This Ordinance, as amended, shall take effect 30 days following publication as required by law following adoption by the Township Board.

This Ordinance is hereby declared to have been adopted by Kochville Township Board, County of Saginaw, State of Michigan, at a special meeting held on the 4th day of February, 2019 and ordered to be given publication in the manner prescribed by law.

CERTIFICATION

ADOPTED

YEAS: Supervisor Loiacano, Clerk Machata, Treasurer Knowlton, Trustee Ferrell
and Trustee Thon

NAYS: None

ABSENT: None

State of Michigan, County of Saginaw,

I the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No. 19-01, adopted by the Township Board of Trustees of the Township on the 4th day of February, 2019, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: February 4, 2019



KEVIN MACHATA, Clerk

Date of Publication: February 14, 2019
Newspaper: Township View

State of Michigan }
County of Saginaw } SS.

Affidavit of Publication

Howard K. Salisbury

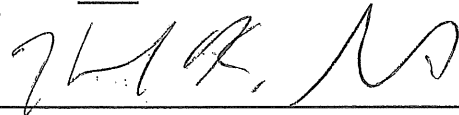
being duly sworn, deposes and says (He/She) is the
editor of the Township View

public newspaper published in the Township of
Chesaning in said county; that the annexed printed notice

was duly printed and published for 1 successive
week(s) in said paper at least once each week


commencing on the 14th day of February,
20 19 , and ending on the 14th day of

February, 20 19 .



Howard K. Salisbury

Sworn to and subscribed before me this 15th day of
February , 20 19 .



Notary Public, Acting in Saginaw County, Michigan

My Commission Expires:

HEIDI A. RUSSELL
NOTARY PUBLIC, STATE OF MI
COUNTY OF SAGINAW
MY COMMISSION EXPIRES Dec 28, 2023
ACTING IN COUNTY OF Saginaw

KOCHVILLE TOWNSHIP NOTICE OF ORDINANCE ADOPTION & POSTING ORDINANCE No. 19-01

NOTICE IS HEREBY GIVEN that at a special meeting of the Kochville Township Board of Trustees held at 7:00 pm. on Monday, February 4, 2019, at 3265 Kochville Road, in roll call votes held at such meeting, the adoption of ordinance #19-01, an ordinance to prohibit recreational marihuana establishments, occurred.

A true copy of the full text of the ordinance can be inspected or obtained at the Township Office at 5851 Mackinaw Road, Saginaw, Michigan 48604, and also available on the Township's website at: <http://www.kochvilletwp.com/>

This Ordinance will be effective 30 days after the publication of this notice.

Jim Loiacano, Supervisor
Kevin Machata, Clerk