

**ADOPTION
CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 394**

AN ORDINANCE TO CREATE ARTICLE IV OF CHAPTER 22, ENTITLED “MARIHUANA ESTABLISHMENTS” OF THE CHARTER TOWNSHIP OF HARRISON, MICHIGAN CODE OF ORDINANCES PROVIDING FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF HARRISON HEREBY ORDAINS:

Section 1. Chapter 22, Article IV, Sections 22-150 of the Charter Township of Harrison Code of Ordinances is hereby created to read as follows:

Purpose

The purpose of this Article is to exercise the Charter Township of Harrison’s authority pursuant to the Michigan Regulation and Taxation of Marihuana Act MCL_____,et.seq. (“Act”) adopted by the voters of the State of Michigan on Tuesday, November 6, 2018, to prohibit the establishment and/or operation of any and all marijuana establishments, as defined by the Act, within the Charter Township of Harrison.

Section 2. Chapter 22, Article IV, Section 22-151 of the Charter Township of Harrison Code of Ordinances is hereby created to read as follows:

Pursuant to the Act, Section 6.1, the Charter Township of Harrison prohibits the establishment or operation of any and all categories of marihuana establishments within its boundaries, including but not limited to:

- a. Marihuana microbusiness
- b. Marihuana processor
- c. Marihuana retailer
- d. Marihuana secure transporter
- e. Marihuana safety compliance facility
- f. Marihuana growers
- g. Marihuana related businesses including state issued licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana within designated areas, licenses that authorize the consumption of marihuana as special events in limited areas and for a limited time, licenses that authorizes the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation.
- h. State issued licenses intended to facilitate scientific research or education or licenses for the cultivation, processing, distribution and sale of industrial hemp.

Section 2. Chapter 22, Article IV, Sections 22-152 of the Charter Township of Harrison Code of Ordinances is hereby created to read as follows:

The prohibitions stated in Section 22-151 do not restrict or prohibit the transportation of marihuana through the Charter Township of Harrison municipal boundaries as mandated by Section 6.1(5) of the Act.

Section 3. Penalty

A violation of this ordinance is deemed to be a nuisance per se. 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.

Section 4. Severability

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

Section 5. Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date

This ordinance shall become immediately effective immediately upon second publication.

Motion by Adam Wit, Clerk and second by Bill Bitonti, Trustee to adopt Ordinance No. 394 to create Article IV of Chapter 22, Entitled “Marihuana Establishments” of the Charter Township of Harrison, Michigan Code of Ordinances providing for Repealer, Severability, and effective date and to publish a notice of adoption at the Charter Township of Harrison and that the full text may be reviewed in the Clerk's Office during business hours (8:00 a.m. - 4:30 p.m.).

**ROLL CALL: AYES: Wit, Bitonti, Batkins, Servial, Tomenello, York, Verkest
 NAYS: None
 ABSENT: None
 ORDINANCE ADOPTED**

CERTIFICATION

I hereby certify the foregoing is a true and complete copy of Ordinance No. 394 duly adopted by the Board of Trustees of the Charter Township of Harrison at a Regular Meeting held on November 26, 2018, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.

Adam Wit, CMC, CMMC, Clerk

Introduction Date:	November 13, 2018
First Publication Date:	November 21, 2018
Adoption Date:	November 26, 2018
Second Publication Date:	December 5, 2018
Effective Date:	December 5, 2018