

VILLAGE OF WESTPHALIA
CLINTON COUNTY, MICHIGAN
ORDINANCE No. 151

Prohibition of Recreational Marihuana Establishments

Adopted *June 3, 2019*

ORDINANCE NO. 151

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS AND USE IN PUBLIC PLACES
ORDINANCE**

An ordinance to provide for a title for the ordinance; define words; to prohibit marihuana establishments and consumption in public places within the boundaries of the Village of Westphalia (the "Village") pursuant to the Michigan Regulation and Taxation of Marihuana Act (the "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 in conflict therewith; and to provide an effective date.

**VILLAGE OF WESTPHALIA
CLINTON COUNTY, MICHIGAN
ORDAINS:**

Section 1. **Title:** This ordinance shall be known as and may be cited as the Village of Westphalia Prohibition of Marihuana Establishments and Use in Public Places Ordinance.

Section 2. **Definitions.** Words used herein shall have the definitions as provided in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

Section 3. **No Marihuana Establishments; Prohibition of Consumption of Marihuana in Public Places.**

- (a) The Village of Westphalia hereby prohibits all marihuana establishments and related activities, as listed in MCL 333.27954(1), within the boundaries of the Village pursuant to the Act. Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the Village shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (b) In conformance with Sections 4.(1)(e) and 6.(2)(b) of the Act, the sale or consumption of marihuana in any form, including without limitation, smoking, eating or vaping, and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places, including and without limitation, parks, schools, hospitals, bars, restaurants, and concert venues or other public places within the boundaries of the Village of Westphalia.
- (c) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and

does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

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, 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 infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of a court of competent jurisdiction. 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, a person found in violation of this ordinance shall pay all costs and expenses of the Village, direct and indirect, which the Village incurs in connection with the enforcement or prosecution of the municipal civil infraction set forth in this ordinance.
- (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 obtain any such other relief as may be provided by law.
- (e) This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Village or by such other person(s) designated by the Village Council 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 ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective immediately upon its adoption and publication as required by law.

Passed, ordained, and ordered published by the Village Council of the Village of Westphalia at a regular meeting held the 3rd day of June 2019.

Adoption of the above Ordinance was moved by Dave Baswell and supported by Tim Fandel.

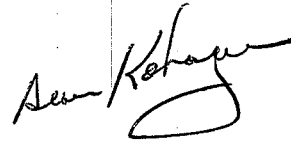
YEAS: 7

Nays: 0

Absent: 0

We hereby certify that the above Ordinance 151, was duly adopted by the Village Council of the Village of Westphalia, County of Clinton, at a regular meeting of said Council held on the 3rdth day of June, 2019.

Dean Kohagen
Village President



Sandy Smith
Village Clerk



I, Sandy Smith, Clerk of the Village of Westphalia, hereby certify that a synopsis of the foregoing Ordinance #151 was duly published on June 9th 2019 in the Portland Review and Observer and/or the Clinton County News, as newspaper with circulation in the Village of Westphalia.

Sandy Smith
Village Clerk