

Charter Township of Flushing

ORDINANCE NO. 18-05

ADOPTED: January 14, 2019

EFFECTIVE :January, 2019

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS
ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Flushing Township pursuant to Initiated Law 1 of 2018, MCL 333.27951-333.27967 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.

THE CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Flushing 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 333.27951-333.27967 as may be amended.

SECTION III
NO MARIHUANA ESTABLISMENTS

Flushing Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL, 333.27951-333.27967 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 no, ~~more than~~ \$500, 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.

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 **EFFECTIVE DATE**

This ordinance shall take effect January 17, 2019

CHARTER TOWNSHIP OF FLUSHING
Wendy Meinburg, Clerk

Wendy D. Meinburg

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, MCL 24.201, et seq., and made effective October 30, 2002, as amended and as may be amended from time to time in the future, is hereby adopted by reference. All references in the Uniform Traffic Code to a "governmental unit" shall mean the Charter Township of Flushing.

SECTION 3. Adoption of Provisions of Michigan Vehicle Code by Reference.

The following provisions of the Michigan Vehicle Code, as amended and as may be amended from time to time in the future, MCL 257.1, et seq., are hereby adopted by reference:

- (A) Chapter I (Words and Phrases Defined), MCL 257.1-257.82.
- (B) Chapter II (Administration, Registration), MCL 257.225, 257.228, 257.243, 257.244, 257.255 and 257.256.
- (C) Chapter III (Operator's and Chauffeur's License), MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326 and 257.328.
- (D) Chapter IV (Obedience to and Effect of Traffic Laws), MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- (E) Chapter VIII (License Offenses), MCL 257.904-257.904a, 257.904e and 257.905

SECTION 4. Adoption of Other State Laws by Reference.

The following provisions of state law are hereby adopted by reference:

- (A) Section 3102 of the Michigan Insurance Code of 1956, as amended and as may be amended from time to time in the future, pertaining to required insurance, MCL 500.3102.
- (B) Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, as amended and as may be amended from time to time in the future, pertaining to off-road vehicles, MCL 324.81101-324.81147.
- (C) Part 821 of the Natural Resources and Environmental Protection Act, as amended and as may be amended from time to time in the future, pertaining to snowmobiles, MCL 324.82101-324.82158.

(D) Section 703 of the Michigan Liquor Control Act, as amended and as may be amended from time to time in the future, pertaining to minors and alcoholic liquor, MCL 436.1703.

(E) The Michigan Motor Carrier Safety Act of 1963, as amended and as may be amended from time to time in the future, MCL 480.11, et seq.

SECTION 5. Citation.

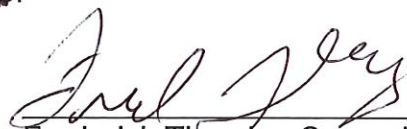
Citations to provisions of the Flushing Township Traffic Code shall be in the form of: the number 19 followed by the Michigan Compiled Laws provision to which the citation applies. For example, a traffic citation charging a violation of driving while intoxicated with reference Sec. 19-257. of the Traffic Code. All the articles are all that he wasn't in their wall articles is all in the web and is the city

SECTION 6. Penalties.

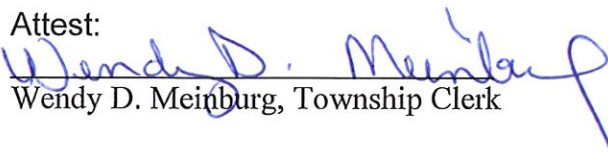
Penalties provided by the Uniform Traffic Code in the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

This ordinance shall take immediate effect. All ordinances of the Township previously adopted or hereafter shall be supplemented by the terms of this ordinance.

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD
ON THE 10 DAY OF January, 2018.


Frederick Thorsby, Supervisor

Attest:


Wendy D. Meinburg, Township Clerk

First reading: December 13, 2018
Adopted: January 10, 2019