

**VILLAGE OF PENTWATER
COUNTY OF OCEANA, STATE OF MICHIGAN**

ORDINANCE NO. 01-2022

ADOPTED: June 10, 2022

EFFECTIVE: June 30, 2022

**PROHIBITION OF MARIHUANA
ESTABLISHMENTS AND FACILITIES
ORDINANCE**

An ordinance to amend Chapter 115 of the Village of Pentwater, Michigan, Code of Ordinances; to provide a title for the ordinance; to define words; to prohibit marihuana establishments and facilities within the boundaries of the Village of Pentwater pursuant to the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended (“MRTMA”), and the Michigan Medical Marijuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101 *et seq*, as may be amended (“MMFLA”); 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.

WHEREAS, on June 10, 2019, the Village of Pentwater Council (“Council”) adopted the Moratorium of Marihuana Establishments Ordinance, which prohibited the establishment and licensing of marijuana establishments under the MRTMA in the Village for a period of one-year;

WHEREAS, on June 8, 2020, the Council adopted an amendment to the to the Moratorium of Marihuana Establishments Ordinance, which indefinitely extended the prohibition of marijuana establishments within the Village;

WHEREAS, on June 12, 2021, the Council adopted the Medical Marijuana and Marijuana Establishments Ordinance as an amendment to Chapter 115 of the Village Code;

WHEREAS, pursuant to MCL 333.27956(1), a petition to initiate an ordinance to repeal the Medical Marijuana and Marijuana Establishments Ordinance as an amendment to Chapter 115 of the Village Code was submitted to the electors of the Village at the May 3, 2022 election;

WHEREAS, at the May 3, 2022 election, the electors of the Village voted to repeal the Medical Marijuana and Marijuana Establishments Ordinance and amend Chapter 115 of the Village Code to completely prohibit medical and recreational marijuana provisioning centers and retailers in the Village;

WHEREAS, the Council adopts the foregoing amendments to the Village Code to effectuate the will of the electors as reflected at the May 3, 2022 election, and to protect the health, safety, and welfare

of the People of the Village of Pentwater;

THE VILLAGE OF PENTWATER, OCEANA COUNTY, MICHIGAN, ORDAINS:

Section 1. Chapter 115 of the Village of Pentwater, Michigan, Code of Ordinances, shall be amended in its entirety to hereafter read as follows:

Chapter 115 - Prohibition of Marihuana Establishments and Facilities

§ 115.01. Definitions. Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended, and the Michigan Medical Marijuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101 *et seq*, as may be amended.

§ 115.02. Marihuana Establishment and Facility Prohibition. The establishment, maintenance, and/or operation of any “marihuana establishment” as defined by MCL 333.27953(h) and/or “marihuana facility” as defined by MCL 333.27102(l), is hereby prohibited within the boundaries of the Village of Pentwater.

§ 115.03. Violations and Penalties.

- A. 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 a violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se and shall be abated by order of a court of competent jurisdiction.
- B. A violation of this Ordinance is a Class C municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. 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, the violator shall pay all costs and attorney fees incurred by the Village in connection with the prosecution of the municipal civil infraction and/or nuisance per se.
- 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 along with any other relief provided by law.
- E. This Ordinance shall be administered and enforced by the Chief of Police, Ordinance Enforcement Officer, or any other Authorized Village Official.

Section 2. Severability and Captions. 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 this Ordinance, which shall continue in full force and effect. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 3. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be effective 20 days after the date of passage pursuant to MCL 66.1.

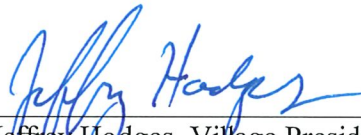
AYES: 7 Members: Michelle Angell-Powell, Dave Bluhm, Jared Griffis, Dan Nugent, Don Palmer, Claudia Ressel-Hodan and Jeff Hodges.

NAYS: 0 Members: None.

ABSENT: 0 Members: None.

ORDINANCE DECLARED ADOPTED.





Jeffrey Hodges, Village President
Village of Pentwater



Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on June 13, 2022, and I further certify that public notice of such meeting was given as provided by law.



Rande S. Listerman, Village Clerk
Village of Pentwater