

ORDINANCE NO. _____-23

CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE CODE OF
ORDINANCES BY AMENDING CHAPTER 18, ARTICLE VI - CANNABIS
BUSINESSES

THE CITY OF LATHRUP VILLAGE ORDAINS:

Section 1. Amendment.

Chapter 18 Article VI, shall be amended and shall read as follows:

Chapter 18 – Businesses

ARTICLE VI- Cannabis Businesses

Sec. 18-281. - Purpose.

The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., and more specifically Section 6(1) thereof, MCL 333.27956(1), authorizes municipalities to prohibit cannabis establishments within their boundaries by adoption of an ordinance. Adoption of such an ordinance does not preclude a municipality from further studying and revisiting the issue at a future date.

Sec. 18-282. - Definitions.

Words used in this section shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

Sec. 18-283. – Cannabis establishments prohibited.

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., all marijuana establishments are prohibited within the boundaries of the city.

Sec. 18-284. – Penalty.

- (a) Any person in violation of any provision of this article, including the operation of a cannabis business shall be responsible for a municipal civil infraction and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this section "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a

person or Facility within any 12-month period. Unless otherwise specifically provided in this article, the penalty schedule is as follows:

- a. \$750.00, plus costs, for the first violation;
 - b. \$1,000.00, plus costs, for a repeat violation;
 - c. \$3,000.00, plus costs per day, plus costs for any violation that continues for more than one day.
- (b) Such sanctions shall be in addition to the rights of the city to proceed at law or equity with other appropriate and proper remedies, including, but not limited to, the right to seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law. Additionally, the violator shall pay all costs, including all direct and indirect expenses that the city incurs in connection with the municipal civil infraction.
- (c) Each day during which any violation continues shall be deemed a separate offense.

Section 2. Repealer.

This Ordinance hereby repeals sections 18-285 through 18-297.

Section 3. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5 of Ordinance. Publication and Effective Date.

This ordinance shall be effective not be earlier than ten days after enactment nor before publication thereof. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

Section 6 of Ordinance. Introduction and Adoption.

That this ordinance was introduced by the City of Lathrup Village City Council at its regular meeting called and held on May 15, 2023 and was duly adopted by the City of Lathrup Village City Council at its regular meeting called and held on _____, 2023 and ordered given publication in the manner required by law.

CITY OF LATHRUP VILLAGE

Kelda London, City Clerk

Introduction Date: May 15, 2023
Adoption Date: _____, 2023
Publication Date: _____, 2023
Effective Date: _____, 2023