

**TOWNSHIP OF HEATH  
COUNTY OF ALLEGAN, STATE OF MICHIGAN  
ORDINANCE NO. 92**

**ADOPTED: November 12, 2018  
EFFECTIVE: November 28, 2018**

**RECREATIONAL MARIHUANA FACILITIES OPT OUT ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to opt out of the operation of recreational marihuana facilities in Heath Township pursuant to requirements of Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, 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 TOWNSHIP OF HEATH  
ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
TITLE**

This ordinance shall be known as and may be cited as the Heath Township Recreational Marihuana Facilities Opt Out Ordinance.

**SECTION II  
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, as may be amended.

**SECTION III  
NO AUTHORIZED RECREATIONAL MARIHUANA FACILITIES**

Heath Township does not permit recreational marihuana facilities to operate within the township, and pursuant to the requirements of Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, as may be amended, and the Rules promulgated thereunder, hereby prohibits all recreational marihuana facilities and establishments within the boundaries of Heath Township.

**SECTION IV  
VIOLATIONS AND PENALTIES**

1. Any person, firm, corporation or other entity 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. Any person, firm, corporation or other entity who

establishes a recreational marijuana facility in Heath Township shall be deemed to be in 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 nor 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 Zoning Administrator or 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. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marijuana facilities pursuant to Initiated Law 1 of 2018, as may be amended.

**SECTION VI**  
**REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII**  
**EFFECTIVE DATE**

This ordinance shall take effect November 28, 2018.

**HEATH TOWNSHIP**  
Sheila Meiste, Clerk  
3440 M-40  
Hamilton, MI 49419