

**TOWNSHIP OF WILBER  
NOTICE OF ADOPTION OF ORDINANCE 18-01**

TAKE NOTICE that on the 3<sup>rd</sup> day of December, 2018, the Township Board of Trustees of the Township of Wilber adopted Ordinance No. 18-01 as follows:

**PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Wilber Township pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, 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 WILBER, IOSCO COUNTY, MICHIGAN ORDAINS:**

**SECTION I: TITLE**

This ordinance shall be known as and may be cited as the Wilber 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, the Michigan Regulation and Taxation of Marihuana Act, as may be amended.

**SECTION III: NO MARIHUANA ESTABLISHMENTS**

Wilber Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, as may be amended.

**SECTION IV: VIOLATIONS AND PENALTIES**

A. Any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").

B. The Wilber Township Supervisor, the Wilber Township Ordinance Enforcement Officer, and Wilber Township officials and employees as may be authorized by the Wilber Township Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

C. A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.

D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

E. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

I. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

#### **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 30 days after its publication as required by law.

#### **SECTION VIII: PUBLICATION; RECORDATION; AUTHENTICATION**

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Wilber Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing his official signature upon the ordinance.

**This ordinance can be inspected or a copy can be purchased at the Wilber Township offices, located at 3120 Sherman Road, East Tawas, Michigan 48730 (phone number: (989) 362-5410).**

**Robert White  
Wilber Township Clerk**