

Ordinance No. 270
PROHIBITION OF MARIHUANA FACILITIES ORDINANCE
LARKIN CHARTER TOWNSHIP
Effective June 19, 2019

The Charter Township of Larkin ordains, pursuant to the authority granted to it under the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), and the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.), the following ordinance, and to provide for the enforcement thereof and penalties for the violation thereof.

Section 1. Name

This ordinance shall be known and cited as the Larkin Charter Township Prohibition of Marihuana Facilities Ordinance.

Section 2. Definitions

For the purpose of this Ordinance, the term “Marihuana Facility” shall include a “Marihuana Facility” as that term is defined by the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), and a “Marihuana Establishment” as that term is defined by the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.).

Any other term defined by Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), or the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.), are used as defined therein. When not inconsistent with the context, words used in the plural include the singular.

Section 3. Marihuana Facilities Prohibited

Pursuant to Section 205 of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), and Section 6(1) of the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.), the establishment and operation of marihuana facilities within the boundaries of Larkin Charter Township is prohibited. Marihuana facilities may not be licensed to operate within the boundaries of Larkin Charter Township under either the Michigan Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.

The Township Electrical Official shall not issue any permit for installation of greater than 200-amp electrical service until notification of the same is sent to the Township Supervisor so that the Supervisor may determine whether the electrical service to be installed would be used in furtherance of a violation of this Ordinance.

Section 4. Penalties and Enforcement

- a. This Ordinance shall be enforced by the Ordinance Enforcement Officer designated by the Larkin Charter Township board.

- b. All violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and complete compliance with this Ordinance.
- c. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500, plus costs of ordinance enforcement, which may include all direct or indirect expenses to which the Township has been put in connection with the violation, at the discretion of the court. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist shall constitute a separate violation.

Section 5. Validity

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. Repealer.

All other ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

Section 7. Effective Date.

This ordinance shall become effective thirty (30) days after the publication in a newspaper circulating within the Charter Township of Larkin, Midland County, Michigan.

Adopted by the Township Board, Charter Township of Larkin, Midland County, Michigan.

HISTORY

Ordinance No. 270, adopted June 19, 2019

Amended by Ordinance No. 278, adopted November 9, 2021.