

**VILLAGE OF BEAR LAKE  
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS  
WITHIN THE VILLAGE**

**Ordinance No.   1   of 2019**

AN ORDINANCE PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 INITIATED LAW 1, § 6.1, MCL 333.27956, SUBSECTION 1, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE VILLAGE OF BEAR LAKE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF BEAR LAKE HEREBY ORDAINS:

**Section 1. Marihuana Establishments Prohibited.**

Pursuant to the authority granted under Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 6.1, MCL 333.27956, Subsection 1, the Village of Bear Lake hereby completely prohibits any marihuana establishment, as that term is defined in Section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 3(h), MCL 333.27953(h), within its boundaries.

**Section 2. Violation; Penalty.**

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

**Section 3. Enforcement Officials.**

The Village President and any other person appointed by the Village Council are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 4. Nuisance Per Se.**

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

**Section 5. Separate Court Action.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 6. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 7. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.

Ordinance No. 1 was adopted on the 16 day of January, 2019, by the Bear Lake Village Council as follows:

Motion by:  Ronning  
Seconded by:  McPherson  
Yeas:  Bass, Gee, McPherson, Ronning, Ware, Evans  
Nays:  None  
Absent:  None

Cindi McPherson  
Cindi McPherson, Clerk

Marla Evans  
Marla Evans, President

I certify that this is a true copy of Ordinance No. 1 that was adopted at a regular meeting of the Bear Lake Village Council on 16 January, 2019 and published in the Manistee News Advocate on 24 January, 2019.

Dated: 22 January 2019

Cindi McPherson  
Cindi McPherson, Clerk