

**SOUTH HAVEN CHARTER TOWNSHIP
ORDINANCE NO. 140**

**ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
UNDER INITIATED LAW 1 OF 2018, THE MICHIGAN REGULATION AND
TAXATION OF MARIHUANA ACT**

Section 1. Findings.

1. On November 6, 2018, Michigan voters approved Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana Act (“2018 Marihuana Act”). Among other things, the 2018 Marihuana Act makes marihuana legal under state and local law for adults 21 years of age or older, makes industrial hemp legal under state and local law, and controls the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved.
2. Section 6 of the 2018 Marihuana Act authorizes a municipality to completely prohibit or limit the number of marihuana establishments within its boundaries. A “marihuana establishment” under the 2018 Marihuana Act means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs.
3. The State of Michigan’s Marijuana Regulatory Agency (“MRA”) anticipates releasing draft emergency rules for the regulation of adult-use marijuana on or about June 1, 2019. Ninety days after issuance of the emergency rules, the MRA may begin accepting applications for marijuana establishments.
4. The Township is continuing to evaluate the potential benefits, challenges, and costs of permitting marihuana establishments within its boundaries, and wishes to review the emergency rules as part of that process. To allow sufficient time for such review and evaluation, and to ensure that the MRA does not issue licenses for marijuana establishments in the Township in the absence of Township regulations, the Township has determined that prohibiting marihuana establishments at this time is in the best interest of the public health, safety, and welfare.

Section 2. Prohibition on Marihuana Establishments.

1. Pursuant to Section 6 of the 2018 Marihuana Act, the Township prohibits marihuana establishments within its boundaries.
2. The Township may repeal this Ordinance in the future and adopt an ordinance that authorizes, limits, and/or regulates marijuana establishments in a manner consistent with the 2018 Marihuana Act and all applicable administrative rules. Unless and until this Ordinance is repealed, this Ordinance shall remain in full force and effect.

Section 3. Scope.

Nothing in this Ordinance shall be construed to prohibit activities that are permitted under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon publication.