

VILLAGE OF BOYNE FALLS

Ordinance # 63

Ordinance Certification

At a regular meeting of the Village of Boyne Falls, Charlevoix County, Michigan held in the Village Hall located in Boyne Falls, Michigan on January 8, 2019 at 7: 00 p.m.

PRESENT: Gladys Bell, William Bricker, Michael Kondrat Sr, Charles Tate, Michael Kondrat Jr, William H Carson, and William P. Carson

ABSENT:

It was moved by Michael Kondrat Jr and supported by William Kondrat Sr that the following Ordinance be adopted:

See attached VILLAGE OF BOYNE FALLS ORDINANCE NO. 63

YES: 7 (Gladys Bell, Michael Kondrat Sr, William H Carson, Charles Tate, Michael Kondrat Jr, and William P Carson

NO: 0

ORDINANCE DECLARED ADOPTED
VILLAGE OF BOYNE FALLS

BY: William P. Carson

William P. Carson, Village President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Boyne Falls Village Council of said County at its regular meeting held on January 8, 2019 relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this Ordinance was published in the Petoskey News Review on January 10, 2019.

Dated: June 10, 2019

Debra Taylor
Debra Taylor, Village Clerk

**VILLAGE OF BOYNE FALLS
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
WITHIN THE VILLAGE**

Ordinance No. 63

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 BOYNE FALLS AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF BOYNE FALLS 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 Boyne Falls hereby completely prohibits any marihuana establishment, as that term is defined in Section 3(h) of the 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 (4 500.00) 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 designed 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.

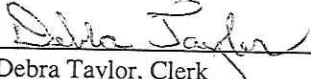
If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.


Section 7. Effective Date

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

Ordinance No. 63 was adopted on the 8th day of January 2019 by the Boyne Falls Village Council as follows:

Motion by: Michael Kondrat Jr
Seconded By: Michael Kondrat Sr
Yeas: 7 William H Carson , William Bricker, Charles Tate, Michael Kondrat Jr, Gladys Bell, William P. Carson, Michael Kondrat Sr.
Nays: 0
Absent: 0


Debra Taylor, Clerk


William P. Carson, President

I certify that this a true copy of Ordinance No. 63 that was adopted at a regular meeting of the Boyne Falls Village Council on January 8, 2019 and published in the Petoskey News on January 10, 2019 as a legal notice.

Dated: January 10, 2019


Debra Taylor, Clerk