

35.0650

**DRUG PARAPHERNALIA AMENDMENT  
AND MARIHUANA REGULATION ORDINANCE  
CHARTER TOWNSHIP OF GRAND HAVEN, MICHIGAN  
ord. no. 572 eff. January 26, 2019**

An Ordinance to amend the Drug Paraphernalia Ordinance; to prohibit marihuana establishments; to prohibit the sale and consumption of marihuana in public places; to prescribe penalties for the violation of this Ordinance; and to provide for an effective date of this Ordinance.

THE CHARTER TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY,  
MICHIGAN ORDAINS:

35.0651

**Sec. 1 DRUG PARAPHERNALIA ORDINANCE AMENDMENT**

The Township's Drug Paraphernalia Ordinance is repealed to the extent it is preempted by the Michigan Regulation and Taxation of Marihuana Act (the "MRTMA").

35.0652

**Sec. 2 PROHIBITION OF MARIHUANA ESTABLISHMENTS**

1. Pursuant to the provisions of Section 6.1 of the MRTMA, marihuana establishments, as defined by the MRTMA, are completely prohibited within the boundaries of the Township.
2. Any applicant for a state or local license to establish a marihuana establishment, as defined by the MRTMA, within the boundaries of the Township shall be deemed to be not in compliance with this Ordinance.
3. This Section does not supersede rights and obligations with respect to the transportation of marihuana through the Township to the extent provided by the MRTMA and does not supersede rights and obligations under Michigan law.

35.0653

**Sec. 3 PROHIBITION ON SALE AND CONSUMPTION OF  
MARIHUANA IN PUBLIC PLACES**

1. In conformance with Sections 4.1(e) and 6.2(b) of the MRTMA, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the MRTMA, is prohibited in any public places within the boundaries of the Township.
2. Any person who violates any of the provisions of this Section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

3. This Section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property, as provided in and authorized by the MRTMA, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

**35.0654            Sec. 4            SEVERABILITY**

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

**35.0655            Sec. 5            REPEAL**

All resolutions, ordinances, orders, or parts of any of them in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed.

**35.0656            Sec. 6            ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the Township or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

**35.0657            Sec. 7            EFFECTIVE DATE**

This Ordinance was approved and adopted by the Township Board on December 10, 2018, after introduction and a first reading on November 26, 2018, and publication after such reading as is required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on January 26, 2019.