

**RUTLAND CHARTER TOWNSHIP**

**BARRY COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF ORDINANCE TO COMPLETELY PROHIBIT  
MARIJUANA ESTABLISHMENTS WITHIN RUTLAND CHARTER TOWNSHIP  
PURSUANT TO MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF RUTLAND, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE the following ordinance was adopted by the Rutland Charter Township Board on April 10, 2019:

**RUTLAND CHARTER TOWNSHIP**

**COUNTY OF BARRY, STATE OF MICHIGAN**

**RUTLAND CHARTER TOWNSHIP ORDINANCE NO. 2019-167**

**ADOPTED: APRIL 10, 2019**

**EFFECTIVE: APRIL 18, 2019**

**ORDINANCE TO COMPLETELY PROHIBIT MARIHUANA ESTABLISHMENTS  
WITHIN RUTLAND CHARTER TOWNSHIP PURSUANT TO MICHIGAN  
REGULATION AND TAXATION OF MARIHUANA ACT**

This Ordinance is enacted pursuant to the Michigan Regulation and Taxation of Marihuana Act (initiative legislation approved by the voters as Proposal 1 at the November 6, 2018 general election) to completely prohibit any “marihuana establishment” as that term is defined in the Act and herein within the boundaries of Rutland Charter Township.

**RUTLAND CHARTER TOWNSHIP**

**BARRY COUNTY, MICHIGAN**

**ORDAINS:**

## **SECTION 1**

### **LEGAL AUTHORITY**

This Ordinance is enacted pursuant to the Michigan Regulation and Taxation of Marihuana Act (initiative legislation approved by the voters as Proposal 1 at the November 6, 2018 general election) to completely prohibit any “marihuana establishment” as that term is defined in the Act and herein within the boundaries of Rutland Charter Township. This Ordinance is also enacted pursuant to the authority granted to the Township Board by *MCL 42.15* to enact such ordinances as may be deemed necessary to provide for the public peace and health and for the safety of persons and property therein, and by *MCL 41.181* to adopt ordinances regulating the public health, safety, and general welfare of persons and property. This Ordinance is intended to reflect and advance the previous policy position of the Township Board under the Michigan Marihuana Facilities Licensing Act (*MCL 333.27101 et. seq.*) to not allow marihuana-related facilities within Rutland Charter Township, in the manner now required by the Michigan Regulation and Taxation of Marihuana Act to continue that policy position.

## **SECTION 2**

### **COMPLETE PROHIBITION OF MARIHUANA ESTABLISHMENTS WITHIN RUTLAND CHARTER TOWNSHIP**

Marihuana establishments shall be and hereby are completely prohibited within the boundaries of Rutland Charter Township, to the fullest extent of the law.

## **SECTION 3**

### **DEFINITIONS**

- A. For purposes of this Ordinance the term “marihuana establishment” is defined exactly as defined in Section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, to mean “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 department”.
- B. For purposes of this Ordinance the term “marihuana grower” is defined exactly as defined in Section 3(i) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments”.
- C. For purposes of this Ordinance the term “marihuana safety compliance facility” is defined exactly as defined in Section 3(o) of the Michigan Regulation and

Taxation of Marihuana Act, to mean “a person licensed to test marihuana, including certification for potency and the presence of contaminants”.

- D. For purposes of this Ordinance the term “marihuana processor” is defined exactly as defined in Section 3(l) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a person licensed to obtained marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments”.
- E. For purposes of this Ordinance the term “marihuana microbusiness” is defined exactly as defined in Section 3(k) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments”.
- F. For purposes of this Ordinance the term “marihuana retailer” is defined exactly as defined in Section 3(m) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older”.
- G. For purposes of this Ordinance the term “marihuana secure transporter” is defined exactly as defined in Section 3(n) of the Michigan Regulation and Taxation of Marihuana Act, to mean “a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments”.
- H. For purposes of this Ordinance the term “department” is defined exactly as defined in Section 3(b) of the Michigan Regulation and Taxation of Marihuana Act, to mean “the Department of Licensing and Regulatory Affairs” of the State of Michigan (capital letters added for proper noun correctness).
- I. For purposes of this Ordinance any other term used in any of the foregoing defined terms that is itself defined in the Michigan Regulation and Taxation of Marihuana Act, or any administrative rules promulgated by the department to administer and implement the Michigan Regulation and Taxation of Marihuana Act pursuant to Section 8 or otherwise of that Act, is defined exactly as therein defined.

#### **SECTION 4**

#### **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, such declaration shall not affect any portion of this Ordinance other than the part declared to be invalid.

**SECTION 5**

**EFFECTIVE DATE AND NON-REPEAL**

- A. This Ordinance shall take effect immediately upon publication as provided by *MCL 42.22*.\*
- B. This Ordinance is not intended to repeal any provision of any other existing ordinance of Rutland Charter Township.

\* Upon taking effect this Ordinance shall be added to the Rutland Charter Township Code Appendix at A249

This ordinance in its entirety has been posted in the office of the Township Clerk and on the Township website ([www.rutlandtownship.org](http://www.rutlandtownship.org)).

A copy of the ordinance may also be purchased by contacting the Township Clerk as indicated below during regular business hours of regular working days, and at such other times as may be arranged.

Robin J. Hawthorne, Clerk  
Charter Township of Rutland  
Rutland Charter Township Hall  
2461 Heath Road  
Hastings, Michigan 49058  
Telephone: (269) 948-2194

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Rutland Charter Township Clerk

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