

CITY OF LUDINGTON
ORDINANCE NO. 393-18

AN ORDINANCE TO AMEND THE CITY OF LUDINGTON CODE OF ORDINANCES BY ADDING CHAPTER 32 TO DEFINE CERTAIN WORDS AND PHRASES; TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF LUDINGTON PURSUANT TO INITIATED LAW 1 OF 2018, MCL 333.27951 *ET SEQ.*; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

THE CITY OF LUDINGTON ORDAINS:

Section 1. Code Amendment. The City of Ludington Code of Ordinances is hereby amended to add Chapter 32 – RECREATIONAL MARIJUANA, which shall read in its entirety as follows:

Sec. 32-01 Definitions

Words and phrases used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, (hereafter, the “Act”) as the same may be amended from time to time, which words and phrases are incorporated herein by reference.

Sec. 32-02. No Marihuana Establishments

The City hereby prohibits all marihuana establishments within the boundaries of the City pursuant to section 6.1. of the Act.

Sec. 32-03. Violations and Penalties

- (a). Any person who disobeys, neglects, or refuses to comply with any provision of this chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this chapter. A violation of this chapter is deemed to be a nuisance per se.

A violation of this chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the City to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City incurs in connection with the municipal civil infraction.

- 3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the City may seek injunctive relief against persons alleged to be in violation of this chapter, and such other relief as may be provided by law.
5. This chapter shall be administered and enforced by the City of Ludington Police Department and the Code Enforcement Officer of the City, or by such other person(s) as designated by the City Council from time to time.

Section 2 Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 3 Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Effective Date

This ordinance shall take effect twenty days following its introduction, adoption and publication as required by law.

Deborah L. Luskin
City Clerk

CERTIFICATION

I, Deborah L. Luskin, being the Clerk of the City of Ludington, certify that the above is a true and accurate copy of the ordinance adopted by the City Council at their regular meeting on the ____ day of _____, 20____.

Deborah L. Luskin
City Clerk