

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
NOTICE OF ADOPTION
ORDINANCE NO. 222**

THE CITY OF NEW BALTIMORE AMENDS THE CODE OF ORDINANCES, CHAPTER 12, TO PROVIDE FOR TITLE, DEFINITIONS, TO PROHIBIT RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF NEW BALTIMORE PURSUANT TO INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ, AS MAY BE AMENDED, TO PROVIDE FOR PENALTIES, SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. Chapter 12, Article X, Prohibition of Recreational Marihuana Establishments Ordinance, is hereby adopted to read as follows:

**CHAPTER 12, ARTICLE X
PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**

Sec. 12-359. - Legislative Intent.

This Ordinance shall be known and may be cited as the City of New Baltimore Prohibition of Recreational Marihuana Establishments Ordinance.

Sec. 12-360. - Definitions.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended.

Sec. 12-361. - Prohibition of Recreational Marihuana Establishments.

The City of New Baltimore hereby prohibits all recreational marihuana establishments within the boundaries of the City pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq*, as may be amended.

Sec. 12-362. - Penalties.

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

A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than One Hundred Dollars (\$100), and no more than Five Hundred Dollars (\$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, violators shall pay costs which may include all expenses, direct and indirect, which the City incurs in connection with the municipal civil infraction.

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

In addition, the City may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

Section 2 Severability. If any chapter, article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining provisions, it being the intent of the city that this ordinance shall be fully severable.

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent to give this ordinance full force and affect.

Section 4. Effective Date. This ordinance shall be effective twenty (20) days after publication following adoption.

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Marcella Shinska, City Clerk for the City of New Baltimore, County of Macomb, State of Michigan, do hereby certify that Ordinance No. 222 was adopted by the City Council of New Baltimore, assembled in regular session on February 25, 2019. Said Ordinance was posted in the following places:

Notice of said posting was published in March 13th, 2019.

Marcella Shinska, City Clerk