

**AVERY TOWNSHIP BOARD
REGULAR MONTHLY MEETING**

February 5, 2019

Supervisor Thom Seymour called the regular monthly meeting of the Avery Township Board to order at the Avery Township Hall with the pledge to the American Flag at 6:00 p.m.

ROLL CALL: Present: Jean Angell, Treasurer; Thom Seymour, Supervisor; Ann Seymour, Clerk; Dawn Dobbyn, Trustee. Absent: Gary, McMurphy, Trustee.
Guests: Donald Angell, Deputy Treasurer; Deputy Brooks, MCSD; Jodi Von Oppen, TTEMS Director.

Motion by Jean Angell, seconded by Dawn Dobbyn to accept the January 2, 2019 minutes as corrected. All in favor, motion carried.

Motion by Dawn Dobbyn, seconded by Ann Seymour to accept the January 2019 Treasurer's Report as submitted by Treasurer Jean Angell. All in favor, motion carried.

Motion by Jean Angell, seconded by Dawn Dobbyn, to pay vouchers #3745-#3767 totaling \$12,564.35. All in favor, motion carried.

After discussion regarding the Resolution opposing load restrictions that was requested of us by the Montmorency County Road Commission. The following motion was entered Ann Seymour, seconded by Gary McMurphy, to table the matter until the March 5, 2019 regular monthly Board meeting. All in favor, motion carried.

AIRPORT REPORT: Presented by Jean Angell. Discussion regarding vacancy for citizen representative.

AMBULANCE REPORT: Presented by Jodi Von Oppen, 15 currently in the EMT class that started 1/8/19; 5 are high school students.

Motion by Jean Angell, seconded by Thom Seymour to approve the 2017 Joint Operating meeting minutes. All in favor, motion carried.

BOR REPORT: Supervisor updated on Board of Review training they attended. The Board will be getting a lot of protests due to the new formulas calculating building values.

FIRE DEPARTMENT REPORT: Given by Dawn Dobbyn.

MTA COUNTY CHAPTER: Report presented by Ann Seymour.

Discussion regarding the Resolution to Opt Out of Allowing Marijuana establishments in our township, the following motion was entered by Jean Angell, and seconded by Dawn Dobbyn to adopt the following Ordinance prohibiting Recreational Marihuana Establishments in Avery Township, to be known as "Ordinance No.1-2019, Prohibition of Recreational Marihuana Establishments Ordinance" as follows: Motion made by Dawn Dobbyn, seconded by Jean Angell to adopt the following resolution.

TOWNSHIP OF AVERY
COUNTY OF MONTMORENCY, STATE OF MICHIGAN
ORDINANCE NO. 1-2019

ADOPTED: FEBRUARY 5, 2019

EFFECTIVE: March 22, 2019

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Avery Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended; 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 TOWNSHIP OF AVERY
COUNTY OF MONTMORENCY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This ordinance shall be known as and may be cited as the Avery Township Prohibition of Marihuana Establishments Ordinance.

SECTIONS II

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.

SECTION III

NO MARIHUANA ESTABLISHMENTS

Avery Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1, of 2018, MCL 333.27951, et seq., as may be amended.

SECTION IV

VIOLATIONS AND PENALTIES

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

2. A violation of this ordinance 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 Township 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 Township incurs in connection with municipal civil infraction.

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

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

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V

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 such ordinance which shall continue in full force and effect.

SECTION VI

REPEAL

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

SECTION VII

EFFECTIVE DATE

This ordinance shall take effect March 22, 2019.

Avery Township

Ann M. Seymour, Clerk

P.O. 665, Atlanta, MI 49709

(989) 785-3278

The foregoing ordinance was offered by Dawn Dobbyn, seconded by Jean Angell was declared passed by the following roll call vote: "AYE": Thom Seymour, Supervisor; Ann Seymour, Clerk; Jean Angell, Treasurer; Dawn Dobbyn, Trustee. The following voted "Nay": None Absent: Gary McMurphy, Trustee.

I, Ann M. Seymour, the duly elected and acting Clerk of Avery Township, hereby Certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of said Board held on Tuesday, February 5, 2019 at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take effect thirty (30) days after publication.

Ann M. Seymour, Clerk

Date:

ZONING ADMINISTRATOR REPORT: Read and filed.

PUBLIC COMMENT: None.

CORRESPONDENCE:

There being no further business at hand, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Ann M. Seymour

Avery Township Clerk