

**VILLAGE OF HESPERIA
OCEANA COUNTY, MICHIGAN
ORDINANCE NO. 22-01**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

1. Chapter ___ of the Zoning Ordinances of the Village of Hesperia, Michigan, is adopted to read as follows:

CHAPTER ____ . ADULT USE MARIHUANA ZONING ORDINANCE

Section __ : Purpose

The purpose of this article is to regulate the locations and site plan requirement for adult use marihuana operations in the Village of Hesperia.

Section __ : Definitions

For the purposes of this article, terms and words defined by Michigan Regulation and Taxation of Marihuana Act of 2018 and all related Michigan Administrative Rules, as amended, shall have the same meaning in this ordinance.

Section __ : Licenses Available

Location limitation for licenses available and additional requirements are as follows:

- (1) Class A, B, and C growers, processors, provisioning centers, safety compliance facility, and transporter may be located in the area between the west side of Pine Street (sometimes referred to as Pine Alley) and the east side of Spruce Street (sometimes referred to as Maple Alley) from South Street north to Michigan Avenue, excluding 55 E. South Street, and property abutting Division Street between Michigan Avenue and the Division Street Bridge.
- (2) No adult use marihuana establishment may be within 800 feet of a school, church, or state licensed child care facility.
- (3) As to provisionary facilities only, hours of operation are limited to Monday through Saturday 9:00 AM to 9:00 PM and Sunday 12:00 PM to 6:00 PM.

2. This Ordinance is to become effective ten (10) days after publication.

Ayes: Bostrom, Halverson, Herin, McDonald, Slocum, Smith, Farber

Nays:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Hesperia, at a regular meeting of the Village Board on the 12th day of December, 2022, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: December 12, 2022

Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Introduced: December 12, 2022

Adopted: December 12, 2022

Published: December 22, 2022

Effective: January 2, 2023

**VILLAGE OF HESPERIA
OCEANA COUNTY, MICHIGAN
ORDINANCE NO. 22-02**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

1. Chapter 115 of the Ordinances of the Village of Hesperia Section 115.01 shall be repealed.
2. Chapter 114 of the Ordinances of the Village of Hesperia, Michigan, is adopted to read as follows:

Section 114.101: Title

This shall be known and cited as the Village of Hesperia Adult Use Marihuana Licensing Ordinance.

Section 114.102: Purpose

(1) The purpose of this chapter is to regulate and license the conduct of activity pursuant to the Michigan Regulation and Taxation of Marihuana Act of 2018 (the “Act”), being MCL Section 333.27956, et seq., in order to:

- (a) Protect the health, safety, and welfare of the general public.
- (b) Establish a set of rules and regulations which are fair and equitable for those interested in establishing marihuana facilities in compliance with the Acts.
- (c) Provide reasonable regulation pursuant to the General Law Village Act, MCL 61.1, et seq and the Michigan Constitution of 1963.

(2) The Village does not intend that registration and regulation under this chapter be construed as a finding that such businesses and activities are legal under federal law. By requiring registration and compliance with requirements as provided in this chapter, the Village intends to protect, to the extent possible, the public health, safety and welfare of the residents of and visitors to the Village from harm that may result from the activities of persons who unilaterally or on the advice of their own attorney determine that they may legally operate a business involved in the cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana.

(3) Nothing in this chapter is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution, for cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana not in strict compliance with the Acts.

(4) This chapter permits authorization for certain activities based on the Acts. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, possession, use, manufacture, distribution, transport,

processing or dispensing of marihuana not in strict accordance with the express authorization of the Act and this chapter; and, nothing in this chapter shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity, and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

Section 114.103: Legal Basis

This chapter is enacted pursuant to the statutory authority granted by MCL 41.181 et seq authorizing the Village to adopt licensing ordinances and regulations to secure the public health, safety and general welfare.

Section 114.104: Definitions

The following words, terms and phrases shall have the following meanings for purposes of this article:

- (1) *Act* means to the Michigan Regulation and Taxation of Marihuana Act of 2018 (the “Act”), being MCL Section 333.27956, et seq., as well as any and all amendments thereto, and also any legislation enacted into law to implement that statute
- (2) *Marihuana* is also known as marijuana and cannabis.
- (3) All other definitions in the “Acts” are adopted by reference.

Section 114.105: Overview

- (1) The number of adult use marihuana facility licenses in effect at any time shall not exceed the following maximums within the Village:
 - (a) Marihuana Grower (Recreational) class A, 100 marihuana plants: No more than two (2).
 - (b) Marihuana Grower License (Recreational) Class B, 500 marihuana plants: No more than two (2).
 - (c) Marihuana Grower License (Recreational) Class C, 2,000 marihuana plants: No more than two (2).
 - (d) Marihuana Safety and Compliance facility licenses: One (1).
 - (e) Marihuana Secure Transporter licenses: One (1).
 - (f) Marihuana Processing Centers: No more than two (2).
 - (g) Marihuana Provisioning Centers: No more than (2).

The Village may review and amend these numbers by resolution annually or stacking shall be limited to two stacked licenses per facility, to the extent permitted by state law.

Section 114.106: Regulations for Marihuana Growers

Any Marihuana Grower shall comply at all times with the following:

- (1) A marihuana grower shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- (2) A marihuana grower shall have at all times a valid license, pursuant to this chapter, from the Village.
- (3) A marihuana grower shall have at all times a valid license from the state marihuana licensing board created by the Acts.
- (4) No distribution of marihuana to any end users may take place at a marihuana grower.
- (5) A marihuana grower may grow no more marihuana plants than allowed pursuant to its license from the state marihuana licensing board.
- (6) A marihuana grower may only transfer marihuana plants to a grower by means of a secure transporter pursuant to the Acts. A grower license authorizes a grower to transfer marihuana without using a secure transporter to a processor or provisioning center if both of the following are met:
 - (a) The processor or provisioning center occupies the same location as the grower and the marihuana is transferred using only private real property without accessing public roadways.
 - (b) The grower enters each transfer into the statewide monitoring system.
- (7) All marihuana plants or products must be contained within an enclosed marihuana grower's facility building. Outdoor growing facilities are not permitted.
- (8) The plants must be in an enclosed, locked facility that restricts and prevents access by any persons other than those allowed and meeting all state requirements.
- (9) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- (10) All activities shall be conducted so as not to create or permit trespass of spillage of dust, glare, sound, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

(11) All activities shall be conducted so as not to be visible in any way from neighboring properties, adjacent streets or public right of ways.

(12) A marihuana grower is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and the Village of Hesperia Code of Ordinances.

Section 114.107: Regulations for Marihuana Provisioning Center

A Marihuana Provisioning Center shall comply at all times with the following:

(1) A marihuana provisioning center shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.

(2) A marihuana provisioning center shall have at all times a valid license, pursuant to this chapter, from the Village.

(3) A marihuana provisioning center shall have at all times a valid license from the state marihuana licensing board created by the Acts.

(4) A provisioning center may transfer marihuana to or from a safety compliance facility for testing.

(5) All transfers to or from a separate marihuana facility must be by means of a secure transporter.

(6) No use of marihuana shall be allowed at a provisioning center.

(7) A provisioning center is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Village of Hesperia Code of Ordinances.

(8) A provisioning center's hours of operation shall be limited to Monday through Saturday 9:00 AM to 9:00 PM and Sunday 12:00 PM to 6:00 PM.

Section 114.108: Regulations for Marihuana Processor

A marihuana processor shall comply at all times with the following:

(1) A marihuana processor shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.

(2) A marihuana processor shall have at all times a valid license, pursuant to this chapter, from the Village.

Section 114.110: Regulations for Marihuana Safety and Compliance Facility

- (1) A Marihuana Safety and Compliance Facility shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- (2) A Marihuana Safety and Compliance Facility shall have at all times a valid license, pursuant to this chapter, from the Village.
- (3) A Marihuana Safety and Compliance Facility shall have at all times a valid license from the state marihuana licensing board created by the Acts.
- (4) A Marihuana Safety and Compliance Facility may receive marihuana from, test marihuana for, and return marihuana to a marihuana facility only.
- (5) A Marihuana Safety and Compliance Facility must be accredited or have a variance pursuant to the Acts.
- (6) No Marihuana Safety and Compliance Facility owner or investor may have an interest in a grower, secure transporter, processor, or provisioning center.
- (7) A Marihuana Safety and Compliance Facility must have a secured laboratory space that cannot be accessed by the general public.
- (8) A Marihuana Safety and Compliance Facility is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and The Village of Hesperia Code of Ordinances.

Section 114.111: License Required

- (1) No adult use marihuana facility, whether proposed, or existing at time of enactment of this chapter, shall be permitted within the Village unless such location shall have obtained a current license under this chapter as follows:
 - (a) A complete site plan approved by the Village of Hesperia.
 - (b) The exact location of a facility used for the marihuana shall be clearly identified on the license;
 - (c) The license requirement applies to all adult use marihuana facilities that are proposed or existing on the effective date of this chapter.
- (2) Issuance of a license does not waive any other licensing and permitting requirement imposed by any other state or local law.
- (3) A license shall be valid for one year, unless revoked for violation(s), in which case it is considered to be null and void.

(3) A marihuana processor shall have at all times a valid license from the state marihuana licensing board created by the Acts.

(4) A processor may only purchase marihuana from a grower and may only sell marihuana-infused products or marihuana to a provisioning center or another processor.

(5) A processor may only transfer marihuana by means of a secure transporter.

(6) A marihuana processor is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and the Village of Hesperia Code of Ordinances.

Section 114.109: Regulations for Marihuana Secure Transporter

A marihuana secure transporter shall comply at all times with the following:

(1) A Marihuana Secure Transporter shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.

(2) A Marihuana Secure Transporter shall have at all times a valid license, pursuant to this chapter, from the Village.

(3) A Marihuana Secure Transporter shall have at all times a valid license from the state marihuana licensing board created by the Acts.

(4) A Marihuana Secure Transporter may store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money.

(5) A Marihuana Secure Transporter may not transport to an end user.

(6) No Marihuana Secure Transporter or investor therein may have an interest in a grower, processor, provisioning center or safety compliance facility and must not be a registered primary caregiver or a registered qualifying patient.

(7) A Marihuana Secure Transporter is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and the Village of Hesperia Code of Ordinances.

(4) No license is transferable or assignable to any other location. The sale of any interest in an entity having a license is prohibited.

(5) No Village of Hesperia Council Trustee shall have an interest in a license or any entity having an interest in a license.

Section 114.112: License Application

(1) Any license issued under this chapter is specific to the licensed person(s) and location. Any change in ownership in any manner requires a license transfer of ownership application and approval by the Village board of trustees. Any change in location requires forfeiture of existing license and application for a new license. Applicants shall make an application, which shall include the following:

(a) The address and legal description of the premises which is to be used as a marihuana facility.

(b) Describe the facility, and all enclosed, locked areas within the facility as required by Michigan law.

(2) If a provisioning center, describe all locations in the premises where the sale or transfer to a consumer shall take place (i.e., a detailed floor plan).

(3) If a Grower, specify the Class under which the Grower seeks the license. Include a statement attesting and consenting that all activities will be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways and consenting that all artificial lighting must and will be shielded to prevent glare and light trespass and must not and will not be visible, from neighboring properties, adjacent streets or public rights-of-way.

(4) Specify the name and address of all owners of the real property where the marihuana facility is located, including a statement by each owner attesting to their knowledge, understanding, and approval of such activity upon their property.

(5) Specify the name, address, and other contact information of all applicants as defined above. A statement attesting whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.

(6) Provide documentation demonstrating any interest by a Hesperia Village Trustee or relative, including by marriage, in any entity having a license or leasing real property or equipment to an entity that has a license.

(7) Provide verification of prequalification from the State of Michigan for Marihuana Facilities License.

(8) Pay a non-refundable license fee, which shall be determined by resolution of the Hesperia Village Council.

(9) All new licenses issued will be for the remainder of the calendar year plus one year, regardless of the date of issuance. License holder must make renewal application pursuant to Section 114.114. Renewed licenses will be for a calendar year October 1 to September 30.

Section 114.113: License Standards

(1) *Timing of submission.* A person may apply for authorization to operate an establishment within the Village by complying with the requirements of this section.

(2) *Required application materials.* An application is not considered complete until all of the following are received by the Village Clerk:

(a) A nonrefundable application fee in an amount of \$5,000, which shall apply through the following September 30.

(b) An advance of the annual administrative fee.

(c) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, and officers of the proposed establishment.

(d) A signed application (available in the clerk's office).

(3) *Initial receipt period.* For any establishment type subject to numerical limitations, the initial receipt period shall commence on February 1st, 2023 and shall end at the close of business on April 1st, 2023.

(4) *Clerk action upon receipt.* The clerk will accept any complete application that includes the information and documents required, unless the Village has already received an application for the same property (other than an application for a proposed co-located establishment) from another applicant. Upon receiving a complete application, the clerk will time- and date-stamp the application and inform the applicant of the following:

(a) The number of existing establishments of the proposed establishment type currently operating within the Village;

(b) The number of pending applications for the desired establishment type; and

(c) The process by which an applicant will be selected pursuant to division (5) of this section.

(5) *Competitive process.* The Village Clerk will conditionally authorize establishments as follows:

(a) If, after close of business on the end date of the initial receipt period, the Village has received more applications for a given establishment type than would be permitted, the Village will decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with the MRTMA in the Village. The Village will provide applicants with 21 calendar days' notice that the applicants must provide supplemental written information and documentation to the Village indicating whether the applicant satisfies each of the following criteria:

Scoring category	Available points
Current medical marijuana facility license status in the Village and history of compliance with Village and state regulations associated with existing medical marijuana facility licenses held in the Village.	10 points
Background of the applicant, including past ownership interest in a business or businesses operating in the State of Michigan; past compliance with business licensing requirements, including marijuana business licenses issued by LARA; and residency in the Village or county for at least one year.	10 points
Human resources, including the number of full-time equivalent employees.	10 points
Physical investment, including the applicant's proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment.	20 points
Area impact, including the proximity of the establishment to properties zoned or used residentially; and plans for litter control, loitering, neighborhood outreach, noise mitigation, odor mitigation, resident safety, and traffic mitigation.	10 points
Business operations, including a business plan; financing plan; marketing and promotion plan, with an emphasis on reducing exposure to minors; and strategic plan.	10 points
Establishment design, including the provision of glazing, landscaping, and screening above Village minimum requirements; the use of durable building materials; compliance with the Americans with Disabilities Act.	10 points
Energy efficiency, including Energy Star certification; Michigan Energy Code compliance; use of energy from carbon-free sources; and use of WaterSense fixtures.	10 points
Infrastructure impact, including the utilization of green infrastructure or low-impact development design principles to manage stormwater; and the provision of non-motorized transportation infrastructure in excess of Village requirements.	10 points

(b) The application and all supplemental information shall be delivered to the Village Clerk. The Village Clerk shall provide the documents to the Marihuana Committee, which shall be the same members as the Medical Marihuana Committee. All meetings of the Marihuana Committee shall be conducted in accordance with the Open Meetings Act, Act 267 of 1976, M.C.L.A. §§ 15.261 et seq., as amended.

(c) Upon timely receipt of the supplemental information described in division (5)(a) of this section, the Marihuana Committee shall hold a public meeting and assign points for each criterion that is satisfied and shall, based on the resulting scores, select applicants who are best suited to operate in compliance with the MRTMA in the Village. The Village Clerk shall notify the selected applicants that they have been granted conditional authorization. In the event of a tied score, the Marihuana Committee shall conduct a random drawing from among the applicants with tied scores to determine which applicant shall receive conditional authorization. The Village's decision to grant conditional authorization is final and is not appealable to the Hesperia Village Council or any other Village official or body.

(d) If an applicant does not timely submit the supplemental information described in division (5)(a) of this section, then the application shall be discarded and shall not be considered under division (5)(c) of this section.

(e) For any establishment type not subject to numerical limits under Section 114.105, or otherwise not subject to the competitive process described in division (5)(a) of this section, the clerk will conditionally authorize establishments in the order in which applications are received.

(f) Once the clerk has issued conditional authorizations for all of the establishments of a given establishment type that would be permitted under Section 114.105, the clerk will place subsequent applications at the end of the waiting list for that establishment type. Applications shall be included on the waiting list in the order designated by the Selection Committee under division (5)(c) of this section.

(6) Final authorization. The Marihuana Committee will grant final authorization for the establishment if the applicant:

(a) Submits the paperwork for the establishment-specific step of the application for a state operating license (and all related applications for stacked licenses) to LARA within 30 days of receiving conditional authorization;

(b) Receives all required operating licenses and approvals from LARA within 18 months after conditional authorization is granted;

(c) pays the annual \$5,000 license fee; and

(d) Enters into a written agreement with the Village confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design

standards, and all other operational standards described by the applicant in the application and in any supplemental materials submitted under division (5) of this section. The agreement shall further provide that if the establishment breaches the agreement, then the Village may revoke authorization of the establishment following notice and a public hearing, and that in such event, the Village shall be entitled to injunctive relief barring further operation of the establishment in the Village.

(7) *Waiting list and refund of administrative fee.* The clerk will keep and maintain the waiting lists established pursuant to division (5) of this section until the maximum number of establishments of the type to which the list pertains are operating in the Village (at which time the clerk will discard the waiting list). If a conditional authorization for a proposed establishment of that establishment type expires, the clerk will conditionally authorize the next application on the waiting list. Upon discarding the waiting list, the clerk will refund the advance of the annual administrative fee to all applicants remaining on the waiting list.

(8) *Newly available authorizations.*

(a) For establishment types for which the maximum number of establishments are operating in the Village, an authorization will become available when:

(i) The state operating license for an establishment with final authorization expires or is revoked by LARA; or

(ii) This chapter is amended to authorize additional establishments of that establishment type.

(b) When an authorization becomes available, the Village Clerk will select a date within the next 60 days on which the Village will begin accepting applications from interested persons, and will publish notice of the selected date in a newspaper of general circulation.

(c) On the selected date, the clerk will begin accepting applications using the same process described in divisions (3) and (4) above this section. If multiple applications are received on that date, the Marihuana Committee will request supplemental information and conduct a competitive selection process as outlined in Section 114.113 (5) above.

Section 114.114: Renewal or Amendment to License Revocation

(1) A Permit granted under this section is valid until the following September 30 and may be revoked or not renewed for any of the following reasons:

(a) Any fraud or misrepresentations contained in the Permit application;

(b) Any knowing violation of this ordinance;

(c) Loss of the Applicant's Michigan Regulation and Taxation of Marihuana Act License;

- (d)** Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this section;
- (e)** Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public;
- (f)** The violation of any of the conditions of issuance or continuation of a certificate of registration;
- (g)** Fraud, misrepresentation or any false statement made in the operation of the business;
- (h)** The violation of any of the conditions of issuance or continuation of a certificate of registration;
- (i)** Failure to pay real and/or personal property taxes, or timely file documentation or returns required for such taxes;
- (j)** Failure to pay any outstanding amounts owed the Village (such as fees for inspections or property services, water or sewer bills, municipal civil infraction fines applicable to the business or its premises, current special assessment, installments, etc.);
- (k)** Failure to pay registration fees;
- (l)** Failure or inability of an applicant to meet and satisfy any of the requirements and provisions of this chapter;
- (m)** Failure to allow inspection of the business premises at a reasonable time;
- (m)** Failure to allow inspection of hazardous material storage records at a reasonable time; or
- (n)** Failure to pay the \$5,000 annual registration fee for the period commencing October 1.

(2) The Process for Revocation of an Adult Use Marihuana Facility License is:

- (a)** Written notice of suspension or revocation stating the cause therefor shall be personally delivered or mailed to the address as shown in the application.
- (b)** Any person whose License is being revoked shall have the right to a hearing before the Hesperia Village Council, or a hearing officer appointed by the Hesperia Village Council, provided a written request therefor is filed with the Village Clerk within ten days following the mailing of a notice of revocation. The hearing shall be public, a record shall be made and preserved, and the person or applicant shall have the right to counsel. The hearing shall be held within 30 days of the filing of the request.

(c) The Hesperia Village Council may reverse or affirm any determination to revoke the license. No person may carry on or operate a business establishment or any business activity during any time when the license for such activity or business has been revoked except that the filing of an appeal to the Hesperia Village Council or, subsequently, to a court having jurisdiction, shall act to stay a suspension or revocation. The action of the Hesperia Village Council shall be stated in writing.

(d) Any person aggrieved after decision by the Hesperia Village Council or designee shall have the right of review in the circuit court for the county. The circuit court shall review the determination made de novo on the record and either reverse or affirm by remand for further findings, retaining jurisdiction in its discretion.

Section 114.115: Revocation Not Exclusive Penalty

(1) Nothing in this chapter shall be deemed to prohibit the Village from imposing other penalties authorized by this code or other ordinances, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

Section 114.116: Civil Infraction

(1) Any person, firm, or corporation who violates any of the provisions of this chapter shall be deemed to be responsible for a civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein or by resolution of the Village, along with costs which may include all expenses, direct or indirect, which the Village incurs in connection with the civil infraction. A violator of this chapter shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this chapter. The Village may issue appearance ticket citations for violations of this chapter. The provisions of this chapter may also be enforced by suit for injunctive relief.

Section 114.117: Civil Fines for Municipal Infractions

(1) Civil fines for civil infractions under this chapter shall be assessed a civil fine not to exceed \$500 for each violation.

3. This Ordinance is to become effective ten (10) days after the publication.

Ayes: Bostrom, Halverson, Herin, McDonald, Slocum, Smith, Farber

Nays:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Hesperia Village Council of the Village of Hesperia, at a regular meeting of the Village Council on the 12th day of December, 2022, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: December 12, 2022

Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Introduced: December 12, 2022

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