

Medical Marijuana

An Ordinance to prohibit marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal of 2018.

THE TOWNSHIP OF CLINTON, LENAWEE COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Findings.

Clinton Township adopts this Ordinance based on the following findings of fact:

- A. On November 4, 2008, voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.
- B. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
- C. On December 4, 2008, the Michigan Medical Marihuana Act, MCL 333.26421 et seq. (the "MMMA"), took effect, and on April 9, 2009, the Michigan Department of Community Health adopted administrative rules to implement the MMMA (the "Rules").
- D. Despite the specifics of the MMMA and the activities legally allowed set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possessing, cultivating/growing, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and, to the extent permissible, regulated by the local authorities.
- E. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the MMMA can present an opportunity for increased illegal conduct and/or activity; and this threat affects the health, safety and welfare of the residents of Clinton Township.
- F. It is the intent of Clinton Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance; or to allow use, possession or control of marijuana for non-medical purposes; or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal.

Section 2. Purpose.

It is the purpose of this Ordinance to impose specific requirements for those individuals registered with the State of Michigan as "qualifying patients" or "primary caregivers" as those terms are defined in the MMMA, and to regulate the conduct of activity pursuant thereto in Clinton Township, Lenawee County, Michigan so as to protect the health, safety, and welfare of the general public.

Section 3. Definitions.

The definition of words and terms used in this Ordinance shall be the definitions contained in the MMMA.

A "dispensary" is defined as any location providing Medical Marijuana to more than five (5) qualified patients.

Section 4. Possession and Use of Medical Marijuana.

Medical Marijuana can be possessed and used in Clinton Township only in accordance with and pursuant to the MMMA and the Rules promulgated thereunder and any subsequent amendments to the MMMA or Rules.

Section 5. Dispensaries of Medical Marijuana.

It shall be unlawful for any primary caregiver to dispense Medical Marijuana or assist a qualifying patient to use Medical Marijuana in or -through any retail store, storefront, office building, manufacturing building, processing facility, co-operative growing facility, dispensary or any other type of commercial or industrial building located within Clinton Township.

It shall be unlawful for any primary caregiver to operate a dispensary as defined in Section 3 above in any residential district or private residence.

Section 6. Civil Forfeiture.

Any Medical Marijuana dispensed or possessed with intent to deliver, as defined by the Michigan Public Health Code Section 333.7501, in violation of this Ordinance may be seized, forfeited and disposed of by the state, county and local police agencies serving Clinton Township, all of which have authority to enforce this Ordinance.

Section 7. Severability.

Sections of this Ordinance deemed invalid shall be severable and the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 8. Penalty.

Any person, firm, or corporation who shall violate any provision of this Ordinance or knowingly allows or permits a violation of any provision of this Ordinance upon property owned, possessed or controlled by such person, firm or corporation shall be guilty of a:

- 8.1 Misdemeanor and shall, upon finding thereof, be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus court costs and costs of prosecution and/or 90 days of incarceration in the Lenawee County Jail.
- 8.2 Municipal civil infraction and be subject to a fine of up to One Hundred and 00/100 (\$100.00) Dollars plus the cost of prosecution.

The decision to charge the alleged violator with a misdemeanor and/or municipal civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

Each day that a violation occurs shall be considered a separate offense. Any violation of this Ordinance shall be declared a nuisance per se, and Clinton Township may, in addition to any other penalty provided by this Ordinance, seek injunctive relief.

Section 9: Effective Date.

This Ordinance shall be published as required by law and become effective immediately upon the date of publication.