

ATTACHMENT A

INDIANFIELDS TOWNSHIP
TUSCOLA COUNTY, MICHIGAN
ORDINANCE PROHIBITING COMMERCIAL MEDICAL MARIHUANA FACILITIES
ORDINANCE NO. 52

At a regular meeting of the Township Board of Indianfields Township, Tuscola County, Michigan, held at 1633 Mertz Rd on 9.11, 2017, at 6:30 p.m., Township Board Member Smith moved to adopt the following Ordinance, which motion was seconded by Township Board Member Woloshen:

An Ordinance to prohibit Commercial Medical Marihuana Facilities under the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, in order to protect the public health, safety and general welfare of Township residents and visitors; and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance.

THE TOWNSHIP OF INDIANFIELDS ORDAINS:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance, unless another meaning is obvious from the context in which the words are used:

1. "Commercial Medical Marihuana Facility" or "Facility" means any one of the following:
 - a. "Provisioning Center," as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");
 - b. "Processor," as that term is defined in the MMFLA;
 - c. "Secure Transporter," as that term in the MMFLA;
 - d. "Grower," as that term is defined in the MMFLA;
 - e. "Safety Compliance Facility," as that term is defined in the MMFLA.
2. "Marihuana" means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
3. "Medical Marihuana" means that term as defined in MCL 333.26423.
4. "Qualifying Patient" means a "registered qualifying patient" or a "visiting qualifying patient" as those terms are defined by MCL 333.26421, et seq.
5. "Person" means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
6. "Primary Caregiver" means a person qualified under MCL 333.26423(g) to assist with a patient's medical use of marihuana.

Section 2. Prohibition of Commercial Medical Marihuana Facilities.

1. *Uses Prohibited.* Commercial Medical Marihuana Facilities defined in this Ordinance are prohibited from operating within the Township, and no property within the Township may be used for the operation of such Facilities. No person shall operate, cause to be operated, or permit to be operated a Commercial Medical Marihuana Facility in the Township.
2. *Qualifying patients and primary caregivers.* Nothing in this Ordinance shall be construed to prohibit, regulate or otherwise impair the use or cultivation of Medical Marijuana by Qualifying Patients and Primary Caregivers in strict compliance with the Michigan Medical Marihuana Act, codified at MCL 333.26421 *et seq.*, or any rules or regulations promulgated thereunder. The operation of a dispensary, provisioning center, Marihuana growing facility or similar business operation that allows or facilitates conduct not expressly permitted under the Michigan Medical Marihuana Act is prohibited, including but not limited to facilities allowing Patient-to-Patient transfers, multiple Primary Caregivers operating from a single facility, or a Primary Caregiver serving more than five (5) Qualifying Patients.

Section 3. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day a violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance may be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.
3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 4. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 5. Repeal Any Ordinances in Conflict. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

YEAS: OSBORN / Smith / Rendon / Woloshen
NAYS: Sauber
ABSENT/ABSTAIN NONE

ORDINANCE DECLARED ADOPTED.



Ray Rendon, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Indianfields Township Board at a duly scheduled and noticed meeting of that Township Board held on 9.11, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Advertiser newspaper, a newspaper that circulates within Indianfields Township, on 9.27, 2017.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Tuscola County Clerk on 10/20, 2017.

ATTESTED:


Indianfields, Township Clerk