

STATE OF MICHIGAN
COUNTY OF MARQUETTE, TOWNSHIP OF NEGAUNEE
MEDICAL MARIHUANA ORDINANCE

Adopted: May 12th, 2011

Effective: May 18th, 2011

THE TOWNSHIP OF NEGAUNEE HEREBY ORDAINS:

An Ordinance to protect the safety, health and welfare of the general public by regulating those individuals who have registered with the State of Michigan as "qualifying patients" and "primary caregivers" as defined in MCL 333.26421 et seq., the Michigan Medical Marihuana Act in the Township of Negaunee, Marquette County, Michigan.

SECTION I: PURPOSE

- A. The purpose of this Ordinance is to establish requirements for persons registering under the Medical Marihuana Act, MCL 333.26423 et seq. as "qualifying patients" and "primary caregivers" as defined in said Act, following the establishment of said Act by initiative of the voters of the State of Michigan, in order to protect the safety, health, and welfare of the general public with regard to the use and cultivation of marihuana, which remains a controlled substance under Federal Law and recent cultivation of which remains illegal in the State of Michigan except as provided in the Medical Marihuana Act.

SECTION II: DEFINITIONS

- A. The following words and phrases used in this Ordinance shall have the meanings as defined in the Medical Marihuana Act, MCL 333.26423 et seq. and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to the authority conferred by Section 5 of said Medical Marihuana Act:

1. Township, means Negaunee Township, Marquette County, Michigan.

SECTION III: COMPLIANCE REQUIRED

- A. Those individuals within Negaunee Township, Michigan who are "qualifying patients" or "primary caregivers" as those terms are defined in the Michigan Medical Marihuana Act, shall comply with the requirements set forth in this Ordinance for qualifying patients, as set forth in Section 4, and for primary caregivers as set forth in Section 5 of this Ordinance.

SECTION IV: REQUIREMENTS FOR QUALIFYING PATIENTS

- A. Any individual within Negaunee Township, Michigan who has been issued and possesses a registry identification card as a qualifying patient, as that terms is defined in MCL 333.26421 et seq., shall comply with the following requirements:
1. No consumption of marihuana shall occur in any public place within Negaunee Township.
 2. Growing of marihuana shall only be allowed within an entirely enclosed structure or building which is secured to prevent the entry of anyone who is not authorized to enter such building or structure.

SECTION V: REQUIREMENTS FOR PRIMARY CAREGIVER

- A. Any person within Negaunee Township, Michigan, who has been issued and possesses a registry identification card as a primary caregiver as defined in MCL 333.26421 et seq. shall comply with the following requirements:
1. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.
 2. The location from which a primary caregiver provides services to a qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.
 3. The location from which a primary caregiver grows, cultivates, or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver's services as allowed under the Michigan Medical Marihuana Act.
 4. The location from which a primary caregiver provides services to a qualifying patient shall not be within one thousand feet (1000') of a drug-free school zone and shall only occur as set forth in the Zoning Ordinance of Negaunee Township, Michigan, pending an amendment, in progress, to restrict such services to the Industrial zone South of County Road 492.
 5. Cultivation/growing or distribution of marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
 6. No consumption of marihuana shall occur at a primary caregiver's location for cultivation/growing, or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient/ primary caregiver.

SECTION VI: VIOLATIONS AND PENALTIES

- A. Any person who violates a provision of this Ordinance shall be deemed responsible of a civil infraction and subject to a fine of up to \$500 for the first offense, \$1,000 for any subsequent offense. Furthermore, any person who violates the provisions of this Ordinance in addition to the penalties set forth herein shall be presumed to be causing a nuisance per se and shall be subject to

any further relief and/or Order provided by any court of competent jurisdiction pursuant to a suit or request for legal or equitable relief by Negaunee Township to abate or enjoin such conduct.

SECTION VII: SEVERABILITY

- A. If any portion of this Ordinance or the application thereof to any person is adjudged invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected after such offending sections have been struck by the court, and the application to any other provisions of this Ordinance shall also remain valid.

SECTION VIII: EFFECTIVE DATE

- A. This Ordinance shall take effect the day following the publication of the notice of adoption in the (Marquette) Mining Journal.

RESOLUTION

Therefore, be it ordained that the Township Board of Negaunee Township adopts a Municipal Civil Infraction Ordinance for Negaunee Township, Michigan, at a meeting thereof, duly called and held on the 12th day of May, 2011. Approved by the Township Board of Negaunee Township, Michigan, on the 12th day of May, 2011.

Roll Call Vote:

Aye Nay Absent

Clerk _____

Rachel Sertich
Negaunee Township, Marquette County

Date _____