

CHARTER TOWNSHIP OF FENTON
Ordinance No. 722
Adopted: May 3, 2010

An Ordinance to amend Ordinance No. 720, which regulates the growing, consumption and distribution of marihuana authorized under Michigan's Medical Marihuana Act.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN ORDAINS:

ARTICLE I. Ordinance No. 720 (Medical Marihuana Ordinance) is hereby amended to provide as follows:

SECTION 1. Purpose

The purpose of this Ordinance is to regulate the growing, consumption and distribution of medical marihuana in a manner that protects the rights of those authorized to do so under Michigan's Medical Marihuana Act, Initiated Law 1 of 2008 but also to protect the health, safety and welfare of all residents of the Township.

SECTION 2. Findings

Fenton Charter Township adopts this ordinance based on the following finding of facts:

- A. Voters in the State of Michigan approved the referendum authorizing the use of marihuana for certain medical conditions.
- B. The intent of the referendum was to enable certain specific persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marihuana and to assist specific registered individuals identified in the statute without fear or criminal prosecution under limited circumstances.
- C. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marihuana is still a controlled substance under Michigan law and the legalization of obtaining, possessing, cultivation/growth use and distribution under specific circumstances still has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
- D. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation, can present an increase in illegal conduct and/or activity and this threat affects the health, safety and welfare of the residents of Fenton Township, Michigan.

SECTION 3. Definitions

For purposes of this Ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008.

SECTION 4. Compliance Required

Those individuals within Fenton Township who are "qualifying patients" or "primary

caregivers” as those terms are used in The Michigan Medical Marihuana Act shall comply with the requirements set forth herein for qualifying patients in Section 5, and for qualified caregivers in Section 6

SECTION 5. Requirements for Qualifying Patients

A person within Fenton Township who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in MCL 333.26421 et. seq. shall comply with the following requirements:

- A. Consumption of marihuana shall not occur in any public place.
- B. 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.

SECTION 6. Requirements For Primary Caregivers

A person within Fenton Township who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

- A. 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.
- B. The primary caregiver provides services to a qualifying patient at their legal residence, which shall be owned or leased by the primary caregiver.
- C. 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.
- D. The location from which a primary caregiver provides services to a qualifying patient shall not be within 1,000 feet of any school.
- E. Cultivation/growing or distribution of marihuana shall not occur in connection with or at a location which any other commodity, product or service is also available.
- F. 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 7. Violations and Penalties

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by up to \$500 in fines and/or 90 days in jail. Further, a person who violates the provisions of this Ordinance in addition to the penalties set forth herein shall be presumed to be operating a nuisance per se and shall be subject to suit or injunction to enjoin further conduct in violation of this ordinance.

SECTION 8. Severability

This Ordinance and its various articles, paragraphs and clauses thereof are hereby

declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

SECTION 9. Effective Date

This amendatory ordinance shall be published as required by law and shall take effect immediately after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 3rd day of May 2010.

Bonnie Mathis, Supervisor

Robert Krug, Clerk