

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 68

An Ordinance to regulate those individuals within Oronoko Charter Township, Michigan that are qualified patients or acting as primary caregivers pursuant to the provisions of the Michigan Medical Marihuana Act.

ORONOKO CHARTER TOWNSHIP, MICHIGAN ORDAINS:

SECTION 1 **FINDINGS.** Oronoko Charter Township, Michigan adopts this Ordinance based on the following findings of fact:

1. Voters in the State of Michigan approved the referendum authorizing the use of marihuana for certain medical conditions.
2. 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 marihuana and to assist specific registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
3. 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, possession, cultivation / growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and /or activity and this threat affects the health, safety and welfare of the residents of Oronoko Charter Township, Michigan.

It is the intention of Oronoko Charter Township, Michigan 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 marihuana for non-medical purposes or allow activity relating to cultivation / growing, distribution or consumption of marihuana that is otherwise illegal.

SECTION 2 **PURPOSE.** It is the purpose of this Ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or a “primary caregiver” as those terms are defined in MCLA 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct of activity pursuant thereto in Oronoko Charter Township, Michigan so as to protect the health, safety and welfare of the general public.

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 Oronoko Charter Township, Michigan 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, Article V, for primary caregivers, Article VI.

SECTION 5 **REQUIREMENTS FOR QUALIFYING PATIENTS.** A person within Oronoko Charter Township, Michigan who has been issued and possesses a registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq. shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.
2. 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 CAREGIVER. A person within Oronoko Charter Township, Michigan who has been issued and possesses a registry identification card as a primary caregiver as set forth in MCL 333.26421 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 1,000 feet of a drug-free school zone and shall only occur as set forth in the Zoning Ordinance of Oronoko Charter Township, Michigan.
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 7 **VIOLATIONS AND PENALTIES.** Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by fines not to exceed five hundred dollars (\$500.) and / or imprisonment for not more than ninety (90) days and confiscation and forfeiture of any paraphernalia, equipment and materials related thereto. Further, a person who violates the provisions of this Ordinance in addition to 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.

SECTION 8 **SEVERABILITY.** If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

SECTION 9 **EFFECTIVE DATE.** This Ordinance shall become effective upon its publication.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member Clerk Suzanne Renton

Supported by Board member Trustee Marc Kerlikowske

Roll Call:

Ayes: Trustee Kerlikowske, Treasurer Hill, Clerk Renton, Trustee Zielke, Trustee Riess, Trustee Hildebrand, Supervisor Hildebrand

Nays: None

Abstain: None

Absent: None

ORDINANCE DECLARED ENACTED.

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 11th day of August, 2009, and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Ernest Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

First Reading: July 14, 2009

Second Reading: August 11, 2009

Publication of Notice: August 19, 2009

CERTIFICATION

I hereby certify that the foregoing is a true copy of an Ordinance entitled "Medical Marihuana, No. 68" which Ordinance was duly adopted by the Board of Trustees of Oronoko Charter Township, Berrien County, Michigan, on the 11th day of August, 2009. First introduced and read prior to enactment by Oronoko Charter Township Board of Trustees on the 14th day of July, 2009.

Ordinance No. 68 was first published in *The Journal Era* on the 5th Day of August 2009, after first being introduced. Said Ordinance was thereafter published in *The Journal Era*, after enactment on the 19th Day of August 2009.

Suzanne G. Renton, Clerk

A true copy of this Ordinance may be obtained for purchase at reasonable cost, or for inspection, at the Oronoko Charter Township Hall, located at 4583 East Snow Road, Berrien Springs, Michigan, during normal business hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.