

## **BLAIR TOWNSHIP**

### **MEDICAL MARIHUANA ORDINANCE #140-12**

An ordinance to regulate certain acts by individuals within the Township of Blair, Grand Traverse County, Michigan, that are “qualifying patients” or “primary caregivers” as defined by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq.*, as amended (the “Act”) based upon the following findings:

1. Voters in the State of Michigan approved a referendum authorizing the medical use of marihuana for debilitating medical conditions or symptoms associated with debilitating medical conditions.
2. Despite the specifics of the resulting state legislation, marihuana is still a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Blair Township.

This Ordinance shall not (1) establish any local program or regulation that would violate or contravene any enforced State or Federal statute, rule or regulation, (2) apply to activities not explicitly provided for in the Act and/or (3) allow the medical use of marihuana except as permitted by the Act and the regulations adopted by Michigan’s State Department of Community Health (“DCH”), pursuant to authority conferred by the Act.

**NOW, THEREFORE**, Blair Township, Grand Traverse County, Michigan ordains:

- (I) ***Purpose.*** It is the purpose of this Ordinance to impose specific requirements on qualifying patients and primary caregivers and to regulate their conduct in the Township of Blair in order to protect the health, safety and welfare of the general public.
- (II) ***Definitions.*** For the purposes of this Ordinance, the words and phrases contained herein shall have the meanings as set forth in MCL 333.26423, and/or the Regulations, as amended.
- (III) ***Compliance required.*** Those individuals within the Township of Blair, who are qualifying patients and/or primary caregivers shall comply with the requirements set forth herein.
- (IV) ***Requirements for qualifying patients.*** Qualifying patients within the Township of Blair shall comply with the following:

- (1) Medical use of marihuana shall not occur in any public place.
- (2) If a qualifying patient has not specified that a primary caregiver will be allowed under Michigan law to cultivate marihuana for the qualifying patient, a qualifying patient may cultivate, manufacture and store marihuana, but only at the residence of the qualifying patient or other location permitted by this Ordinance and only inside of an enclosed, locked facility, which shall be under the exclusive control of the qualifying patient through written lease, contract or deed.
- (3) A qualifying patient may only possess on his or her person an amount of marihuana deemed medically necessary to treat or alleviate the debilitating medical condition that gave rise to the qualifying patient's registration with the DCH or symptoms associated with that condition, which must remain under the qualifying patient's exclusive control.
- (4) If a qualifying patient has not specified that a primary caregiver will be allowed under Michigan law to cultivate marihuana for the qualifying patient and the qualifying patient intends to cultivate, manufacture and store marihuana at a location other than his or her primary residence, the same shall only occur at a location within the CM, Commercial Manufacturing District as defined by the Zoning Ordinance of the Township of Blair after first obtaining a Special Use Permit from the Township of Blair and shall not be within **1,000** feet of a:
  - a. Drug-free school zone.
  - b. Church.
  - c. Child care facility.
  - d. District zoned for residential use.
- (5) For the purpose of this ordinance, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a medical marijuana facility is conducted, to the nearest property line of the premises of a church, school, child care facility, or a district zoned for residential use.
- (6) Cultivation, manufacturing and storage of marihuana by a qualifying patient shall occur in one enclosed, locked facility such that cultivation, manufacturing and storage do not occur in multiple locations.

(V) ***Requirements for primary caregiver.*** Prior to and while assisting with a qualifying patient's medical use of marihuana, a primary caregiver in the Township of Blair shall possess a lawful and active registry identification card that identifies that qualifying patient and shall comply with the following requirements:

- (1) The cultivation, manufacturing and storage of marihuana shall only be allowed inside of an enclosed, locked facility, which shall be under the exclusive control of the primary caregiver or the qualifying patient with whom the primary caregiver is associated through the DCH's registration process evidenced by a written lease, contract or deed.
- (2) Except for cultivation, manufacturing and storage of marihuana that occurs at property under the exclusive control of a qualifying patient evidenced by a written lease, contract or deed, a primary caregiver shall only cultivate, manufacture and store marihuana at a location within the CM, Commercial Manufacturing District as defined by the Zoning Ordinance of the Township of Blair after first obtaining a Special Use Permit from the Township of Blair and shall not be within **1,000** feet of a:
  - a. Drug-free school zone.
  - b. Church.
  - c. Childcare facility.
  - d. District zoned for residential use.
- (3) For the purpose of this ordinance, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a medical marijuana facility is conducted, to the nearest property line of the premises of a church, school, child care facility, or a district zoned for residential use.
- (4) Except for cultivation, manufacturing and storage of marihuana that occurs at property under the exclusive control of a qualifying patient evidenced by a written lease, contract or deed, the cultivation, manufacturing and storage of marihuana by a primary caregiver shall occur in one location and in one enclosed, locked facility for each his or her registered qualifying patients.

Notwithstanding the above, a primary caregiver can use an enclosed, locked facility for more than one registered qualifying patient as long as those registered qualifying patients cannot access such enclosed, locked facility.

- (5) The location from which a primary caregiver assists a qualifying patient with his or her medical use of marihuana shall not be used by another primary caregiver for any purpose whatsoever.
  - (6) The cultivation, manufacture, storage, transfer and delivery of marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
  - (7) No use or internal possession of marihuana shall occur at a primary caregiver's location for cultivation, manufacturing, storage, transfer or delivery or a primary caregiver's residence, unless the primary caregiver is a qualifying patient, and then such use or internal possession shall only be by such qualifying patient/ primary caregiver.
  - (8) Delivery or transfer of marihuana by a primary caregiver to a qualifying patient shall only occur at the location of cultivation, manufacturing and storage of the marihuana or at the residence of the qualifying patient.
  - (9) A primary caregiver shall annually register with the Grand Traverse County Sheriff Department the location where the primary caregiver shall engage in the cultivation, manufacturing, storage, delivery and transfer of medical marihuana for each of his or her qualifying patients and the location shall be subject to an annual administrative inspection to ensure compliance with this Ordinance. All information obtained through the registration process that would be deemed confidential pursuant to the Act shall be confidential and shall not be subject to disclosure pursuant to the Freedom of Information Act.
- (VI) **Severability.** Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.
- (VII) **Conflicting Ordinances.** All prior existing ordinances adopted by the Township of Blair inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed as they pertain to this Act.

**(VIII) *Violations and penalty.*** Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance shall be punished for each offense, upon conviction of a misdemeanor by a fine of not more than \$500.00 and costs of prosecution, or by imprisonment for a period not exceeding 90 days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to continue shall constitute a separate offense.

**(IX) *Effective Date.*** This Ordinance shall take effect 30 days after publication of adoption notice.

Adopted by the Township of Blair on the 13th day of November, 2012 and published November 19, 2012.

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Pat Pahl, Supervisor

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Lynette Wolfgang, Clerk