

TOWNSHIP OF HADLEY

MEDICAL MARIJUANA ORDINANCE # 35

**AN ORDINANCE TO REGULATE MEDICAL MARIJUANA
WITHIN THE TOWNSHIP**

THE TOWNSHIP OF HADLEY ORDAINS:

Section 1: Findings, Intent and Purpose of Ordinance.

A. In 2008, the voters of the State of Michigan (with an approval by Hadley Township voters of 60%) approved by initiative election a statute authorizing the use, growing, and sale of marijuana for certain limited medical conditions.

B. The stated intent of the statute approved by the voters was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.

C. Despite the specifics of the medical marijuana legislation, marijuana 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.

D. If not closely monitored and regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an opportunity for increased illegal conduct which could adversely affect the health, safety and welfare of the residents of the Township.

E. It is the intention of the Township 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 the use, possession, growing, distribution or consumption of marijuana for non-medical purposes that is otherwise illegal. This Ordinance is not intended to condone, authorize or provide immunity from prosecution for violations of federal or state law, but rather only to describe the type of conduct which constitutes a violation of this Ordinance.

Section 2: Definitions.

The definition of words and terms used in this Ordinance shall be the definitions contained in the Michigan Medical Marijuana Act, MCL 333.26421, et seq.

Section 3: Prohibited Conduct Described.

a) General Compensation Restrictions: Patient-to-Patient Compensation Restrictions.

No person shall receive or share in compensation for the costs associated with assisting a qualifying patient with the medical use of marijuana to a qualifying patient except for a registered caregiver who is distributing marijuana to a qualifying patient that the registered caregiver is connected to through the Michigan Department of Community Health's registration process and the transaction is otherwise in compliance with the Michigan Medical Marijuana Act. No qualifying patient shall receive compensation for costs associated with assisting other qualifying patients with the medical use of marijuana unless the qualifying patient providing the assistance is a registered primary caregiver connected to the qualifying patient receiving the marijuana through the Michigan Department of Community Health's registration process and the transaction is otherwise in accordance with the Michigan Medical Marijuana Act.

c) Entity Restrictions.

The following entities are expressly prohibited from receiving compensation for costs associated with assisting a registered qualifying patient in the medical use of marijuana: corporations, limited liability companies, and partnerships, or any other entity other than an individual registered caregiver.

d) Common Facilities Restrictions.

It shall be a violation of this Ordinance for any person to participate as a registered primary caregiver in a jointly operated facility where primary caregivers jointly share building space which is used in common to grow marijuana or to assist more than 5 qualifying patients with the medical use of marijuana. Use "in common," as that phrase is used in this subparagraph, shall include a shared or common reception area, a shared or common customer service area, or a shared area for growing marijuana.

e) Restrictions Against Delegation of Caregiver Functions (Restriction on Use of Employees):

It shall be a violation of this Ordinance for a primary caregiver to delegate to an employee or other person not independently authorized by the Michigan Medical Marijuana Act the authorization or permission to provide assistance with the medical use of marijuana to a qualifying patient

Michigan Medical Marijuana Act the authorization or permission to provide assistance with the medical use of marijuana to a qualifying patient.

Section 4: Civil Forfeiture.

Any medical marijuana sold or possessed with intent to sell in violation of this Ordinance may be seized, forfeited and disposed of by the police agencies serving the Township of Hadley.

Section 5: Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 6: Penalty.

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed responsible of violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars, plus court costs and costs of prosecution not to exceed Five Hundred and 00/100 (\$500.00) Dollars, both at the discretion of the court. Each day that a violation occurs shall be considered a separate offense. The Township may in addition seek injunctive relief to enforce this Ordinance.

Adopted by the Township Board of the Township of Hadley, Michigan on the 12th day of October, 2010 and published in the LA View, on the 21st day of October, 2010. This Ordinance shall become effective thirty (30) days after the date of publication.


Ernest Monroe, Supervisor


Cynthia Daly, Clerk

TOWNSHIP OF HADLEY

MARIHUANA ESTABLISHMENTS "OPT OUT" ORDINANCE

Ordinance No. 39

An ordinance, adopted pursuant to Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, to completely prohibit marihuana establishments within the boundaries of Hadley Township.

THE TOWNSHIP OF HADLEY ORDAINS:

ARTICLE I

Marihuana Establishments Prohibited

Marihuana establishments, as defined by Section 3 of the Michigan Regulation and Taxation of Marihuana Act, are hereby prohibited within the boundaries of Hadley Township.

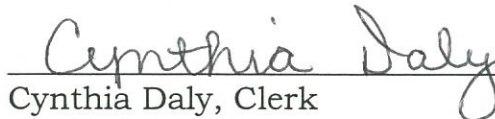
ARTICLE II

Enactment and Effective Date

This Ordinance was adopted by the Hadley Township Board at a meeting duly held on the 8 day of January, 2019, and it was published in the LA View on the 17 day of January, 2019. This Ordinance shall take effect the day after the date of publication.



Ernest Monroe, Supervisor



Cynthia Daly, Clerk