

ORDINANCE NO 49

EFFECTIVE : IMMEDIATELY UPON PUBLICATION AND ADOPTION

An Ordinance to impose a limited moratorium on the dispensation, cultivation and/or, sale of marijuana, for medical purposes within the Township of Plainfield.

**THE TOWNSHIP OF
PLAINFIELD
IOSCO COUNTY, MICHIGAN
ORDAINS:**

Section 1. Findings

- A. The dispensation, cultivation and/or sale of marijuana for medical purposes were not envisioned when the current Plainfield Township Zoning Ordinance and Plainfield Township Master Land Use Plan were adopted.
- B. Processing requests for uses associated with the dispensation, cultivation and/or sale of medical marijuana would be detrimental to the public health, safety and welfare and would not ensure that the use is situated in appropriate locations and relationships and has the proper regulation.
- C. The Township of Plainfield desires to ascertain the safest and best path to compliance with the Michigan Medical Marijuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq. (hereinafter “MMAA”), the Michigan Zoning Enabling Act, P.A. 2006, No. 110, MCL 125.3101 et seq. and all other applicable laws in order to best protect the public health, safety and welfare.
- D. The Michigan legislature is introducing a series of bills designed to study and clarify the state’s voter-approved 2008 law related to the growing, selling, and qualifying to use medical marijuana. This legislation currently is pending.
- E. The U.S. Justice Department has clarified an opinion rendered in a policy memo in 2009, and again on June 30, 2011, states that marijuana dispensaries and licensed growers in states with medical marijuana laws could face prosecution for violating federal drug and money-laundering laws.
- F. The Township of Plainfield through its Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that there be an immediate moratorium on the cultivation, sale and/or dispensation of medical marijuana for a period of one year from the effective date of this Ordinance or (2) until the effective date of a new Township ordinance or ordinances addressing this matter, whichever occurs first.

Section 2. Definitions

The following definitions shall apply for purposes of this Ordinance:

- A. “Marijuana” means the substance or material defined in Section 7106 of the Michigan Public Health Code, 1976 PA 368, MCL333.7106.
- B. “Michigan Medical Marijuana Act” or “MMAA” means the Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
- C. “Primary caregiver” means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- D. “Qualifying patient” means a person as defined under MCL 333.26423(h) of the Act.
- E. “Registry Identification Card” means the document defined under MCL 333.26423(i) of the Act.

Section 3. License Requirement

No person shall engage in the cultivation, storage, sale and/or dispensation of marijuana for medical purposes within the limits of Plainfield Township without first having applied for and obtained a license to do so from the Township identifying the location at which such activity shall be conducted.

Section 4. Moratorium

There is hereby imposed a moratorium upon the issuance of all Township permits, licenses and approvals (including but not limited to licenses required under Section 3 above, building permits and zoning permits) for the cultivation, storage, sale and/or dispensation of marijuana for medical purposes.

Section 5. Exceptions to Licensing Requirement and Moratorium

The licensing requirement and moratorium imposed under this Ordinance shall not be deemed to apply to the following:

- A. The cultivation, storage and/or use of marijuana for medical purposes by a qualifying patient solely for his/her personal use and in accordance with the provisions of the MMMA and the administrative rules adopted thereunder.
- B. The cultivation, storage and/or dispensation of marijuana for medical purposes in accordance with the MMMA and the administrative rules adopted there under by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the qualifying primary caregiver’s household and whose residence is shared with the primary caregiver.
- C. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marijuana use, including distribution or other assistance, in accordance with the MMMA and the administrative regulations adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- D. The cultivation, storage, sale and/or dispensation of marijuana for medical purposes by not more than one primary caregiver per lot or parcel in accordance with the MMMA and the administrative rules adopted thereunder. This exception shall only apply to a primary caregiver that is operating in conformance with the MMMA as of the effective date of this Ordinance.

Section 6. Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work, section or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

Section 7. Sanctions

Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan statutes which shall be punishable by a civil fine determined in accordance with the following schedule:

Offense	Minimum Fine	Maximum Fine
1st Offense	\$ 75.00	\$ 500.00
2nd Offense	\$ 150.00	\$ 500.00
3rd Offense	\$ 325.00	\$ 500.00
4th Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, to which Plainfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

Section 8. Term of Moratorium and Prohibition

This moratorium imposed hereunder shall expire upon

(1) one year from the effective date of this Ordinance, unless extended by Board of Trustees action;
or (2) the effective date of a New Township ordinance or ordinances addressing this matter;
whichever occurs first. The intent of this Ordinance is to extend the six month moratorium that was first published in August of 2011, subsequently extended to February of 2013; to extend to April 1, 2014.

Section 9. Effective Date

This Ordinance shall take effect immediately upon publication following adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Motion by: Patrick Ready

Support by : Elaine Bielby

A roll call vote was held.

Aye: Bassi, Allen, Ready, Bielby, Lewis

Nay: None

Absent: None

Publication Date:

I, Elaine Bielby, Plainfield Township Clerk, hereby certify that the foregoing is a true copy of Ordinance Number 49 as adopted by the Board of Trustees of the Township of Plainfield, County of Iosco, and State of Michigan.

(signed by Elaine Bielby, Plainfield Township Clerk)