

ADOPTED 11-17-11

Ordinance # 1-11  
FORSYTH TOWNSHIP  
MEDICAL MARIJUANA ORDINANCE

THE TOWNSHIP OF FORSYTH HEREBY ORDAINS:

An Ordinance to protect the safety, health and welfare of the general public by regulating those individuals who have registered with the State of Michigan as “qualifying patients” and “primary caregivers” as defined in MCL 333.26421 et seq., the Michigan Medical Marijuana Act in the Township of Forsyth, Marquette County, Michigan.

Section 1: Purpose

- A. The purpose of this Ordinance is to establish requirements for persons registering under the Medical Marijuana Act, MCL 333.26423 et seq. as “qualifying patients” and “primary caregivers” as defined in said Act, following the establishment of said Act by initiative of the voters of the State of Michigan, in order to protect the safety, health and welfare of the general public with regard to the use and cultivation of marijuana, which remains a controlled substance under Federal Law and cultivation of which remains illegal in the State of Michigan except as provided in the Medical Marijuana Act.

Section 2: Definitions

- A. The following words and phrases used in this Ordinance shall have the meanings as defined in the Medical Marijuana Act, MCL 333.26423 et seq. and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to the authority conferred by Section 5 of said Medical Marijuana Act:

1. Township, means Forsyth Township, Marquette County, Michigan.

Section 3: Compliance Required

- A. Those individuals residing within Forsyth Township, Michigan who are “qualifying patients” or “primary caregivers” as those terms are defined in the Michigan Medical Marijuana Act, shall comply with the requirements set forth in this Ordinance for qualifying patients, as set forth in Section 4, and for primary caregivers as set forth in Section 5 of this Ordinance.

Section 4: Requirement for Qualifying Patients

- A. Any individual within Forsyth Township, Michigan who has been issued and possesses a registry identification card as a qualifying patient, as that terms is defined in MCL 333.26421 et seq., shall comply with the following requirements:
1. No consumption of marijuana shall occur in any public place within Forsyth Township.

2. Growing of marijuana shall only be allowed within an entirely enclosed structure or building which is secured to prevent the entry of anyone who is not authorized to enter such building or structure.

**Section 5: Requirements for Primary Caregiver**

- A. Any person within Forsyth Township, Michigan who has been issued and possesses a registry identification card as a primary caregiver as defined in MCL 333.26421 et seq. shall comply with the following requirements:
  1. Growing of marijuana 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 Marijuana 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.
  5. Cultivation/growing or distribution of marijuana 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 marijuana 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 6: Violations and Penalties**

- A. Any person who violates a provision of this Ordinance shall be deemed responsible of a civil infraction and subject to a fine of up to \$500 for the first offense, \$1,000 for any subsequent offense. Furthermore, any person who violates the provisions of this Ordinance in addition to the penalties set forth herein shall be presumed to be causing a nuisance per se and shall be subject to any further relief and/or Order provided by any court of competent jurisdiction pursuant to a suit or request for legal or equitable relief by Forsyth Township to abate or enjoin such conduct.

Section 7: Severability

- A. If any portion of this Ordinance or the application there of to any person is adjudged invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected after such offending sections have been struck by the court, and the application to any other provisions of this Ordinance shall also remain valid.

Section 8: Effective Date

- A. This Ordinance shall take effect the day following the publication of the notice of adoption in the (Marquette) Mining Journal.

RESOLUTION

Therefore, be it ordained that the Township Board of Forsyth Township adopts a Municipal Civil Infraction Ordinance for Forsyth Township, Michigan at a meeting thereof, duly called and held on the 17<sup>th</sup> day of November, 2011. Approved by the Township Board of Forsyth Township, Michigan, on the 17<sup>th</sup> day of November, 2011.

ROLL CALL VOTE: 3 AYE - 0 NAY - 2 ABSENT

Clerk Bonnie Fillzetti-Hartzell

Bonnie Fillzetti-Hartzell

Forsyth Township, Marquette County

Date 11-17-11