

**JUNIATA TOWNSHIP
MEDICAL MARIJUANA ORDINANCE**

Ordinance No. 16

This Ordinance shall be known and cited as the "Juniata Township Medical Marijuana Ordinance".

An Ordinance to secure the public health, safety, and welfare of the residents and property of the owners of the Township of Juniata, Tuscola County, Michigan, by the regulation of the use of medical marijuana within said Township; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

Preamble

This Ordinance refers to a registered primary caregiver and qualified patient(s) as defined in the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d), hereafter referred to as the Act. Nothing in this Ordinance is intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act. Nothing in this Ordinance, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall be construed as granting immunity from criminal prosecution under Federal law. The Michigan Medical Marijuana Act does not protect users, caregivers, or the owners of properties on which the medical use of Marijuana is occurring from Federal prosecution or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

THE TOWNSHIP OF JUNIATA, COUNTY OF TUSCOLA, MICHIGAN,
ORDAINS:

Section 1 - Title

This Ordinance shall be known and cited as the Juniata Township Medical Marijuana Ordinance.

Section 2 - Rules and Regulations

The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Public Health, as they may be amended from time to time. All definitions under the Act shall apply in this Ordinance.

The medical use of marijuana relates to the acquisition, possession, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualified patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d).

The following requirements for a registered primary caregiver and qualified patient(s) shall apply:

1. A registered primary caregiver shall notify the Township of Juniata of the intended use of medical marijuana by obtaining a land use permit from the Township Zoning Administrator or other person as designed by the Juniata Township Board of Trustees;
2. A registered primary caregiver and any facility used under the Act must be located outside of a one thousand (1,000) foot radius from any school (which includes any child care or day care facility) to ensure community compliance with the Federal "Drug-Free School Zone" requirements;
3. A registered primary caregiver and any facility used under the Act must be located outside of a one thousand (1,000) foot radius from any church.
4. Not more than one (1) registered primary caregiver shall be permitted to service qualified patients on a parcel of property and the number of registered primary caregivers shall be limited to one (1) caregiver per one thousand (1,000) township residents (rounded to the nearest thousand);
5. Not more than five (5) qualified patients shall be assisted with the medical use of marijuana within any given calendar week;
6. All medical Marijuana shall be contained within the main building of the parcel of property approved by the Land Use Permit in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualified patient. The facility shall have a centrally monitored alarm system;
7. All matters associated with the authorized dispensary of medical marijuana shall be operated within the principal dwelling or within a normally associated accessory structure. Not more than twenty-five (25%) percent of the total floor area of the dwelling nor more than fifty (50%) percent of any accessory structure may be used for the actual dispensing of medical marijuana;

8. The registered primary caregiver shall not display or create outside the structure any external evidence of the activities involved with the dispensing of medical marijuana;
9. No business signage in excess of eight (8) square feet shall be displayed on the premises;
10. The activity shall not require the creation of any additional parking spaces to service the facility;
11. Visits by qualified patients shall be limited to the hours between 7:00 am and 8:00 pm; and
12. Absolutely no cultivated marijuana or dried marijuana product shall be visible from the exterior of the facility.

Section 3 - Violations

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to the following penalties:

1. The first violation of this Ordinance shall be a civil infraction punishable by a fine not to exceed One Hundred (\$100.00) Dollars. A citation for civil infraction may be issued by the enforcement officer as designated by the Juniata Township Board of Trustees;
2. Subsequent violations of this Ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed One Hundred (\$100.00) Dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days or by both fine and imprisonment. A misdemeanor violation may be initiated by a citation issued by the enforcement officer as designated by the Juniata Township Board of Trustees. Each day that a violation exists shall constitute a separate offense. In addition to the foregoing penalties, anyone convicted of violating this Ordinance under this provision shall be assessed the costs of prosecution including any attorneys fees incurred by the Township;
3. This Ordinance shall be enforced by such a person or persons as may be designated by the Juniata Township Board of Trustees; and

4. This section of the Ordinance does not replace or supplant any legal action deemed necessary by the State of Michigan law or Federal law.

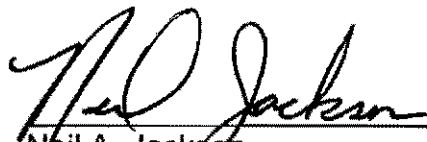
Section 4 - Severability

The provision of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

Section 5 - Effective Date

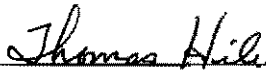
This Ordinance shall become effective immediately.

The foregoing Ordinance was duly adopted by the Township Board of the Township of Juniata, Tuscola County, Michigan, and its regular meeting held on Monday, May 9, 2011, at which meeting a quorum was present.



Neil A. Jackson
Juniata Township Supervisor

Dated: 5-9-11



Thomas Hile
Juniata Township Clerk

Dated: 5/09/2011

Date of Publication May 14, 2011