

**TOWNSHIP BOARD
MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

Board Member Sipple, seconded by Board Member Tiemeyer, moved the adoption of the following ordinance:

ORDINANCE NO. 115

AN ORDINANCE TO AMEND ARTICLE III, SECTION 3.1 AND ARTICLE IV, TO ADD A NEW SECTION 4.33, OF THE MARTIN TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 30, AS AMENDED, TO DEFINE AND REGULATE MEDICAL MARIHUANA DISPENSARIES

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Addition to Article III, Section 3.1 That Article III, Section 3.1 of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to add a definition for "Medical Marihuana Dispensary" to read as follows:

Medical Marihuana Dispensary. Any for-profit or not-for-profit business, facility, association, entity, use, cooperative, location, or operation, whether fixed or mobile, permanent or temporary, where medical marihuana (also commonly known as marijuana or cannabis) is made available, sold, used, grown, processed, delivered, or distributed by or to anyone including one or more of the following:

1. A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

Medical Marihuana Dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, permanent or temporary, where medical marihuana is smoked or consumed by three or more persons at one time. *Medical Marihuana Dispensary* shall not include the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this ordinance as well as all other applicable Township ordinances and applicable laws, rules and regulations of the State of Michigan.

Section 2. Addition of Article IV, Section 4.33 That Article IV of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to add a new Section 4.33 to read as follows:

4.33 PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES.

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the Township. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a medical marihuana dispensary within the Township shall be guilty of a criminal misdemeanor punishable by up to 93 days in jail and/or a fine of up to \$500.00, as well as any other fines, costs, or penalties imposed by law.

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

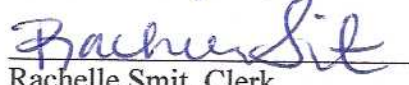
Section 4. Effective Date. This Ordinance will become effective seven (7) days following its publication in a newspaper in general circulation within the Township, as provided by law.

YEAS: Tiemeyer, Leep, Brenner, Sipple, Smit

NAYS: None

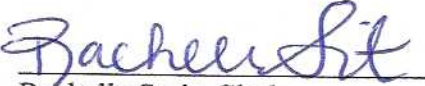
ABSENT: None

ORDINANCE NO. 115 ADOPTED.


Glenn Leep, Supervisor
Rachelle Smit, Clerk

CERTIFICATION

I, Rachelle Smit, the Clerk of Martin Township, certify that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Martin Township at a regular meeting held on January 4, 2016.


Rachelle Smit, Clerk