

**HARTFORD TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 41

ADOPTED: August 11, 2016

EFFECTIVE: August 17, 2016

An Ordinance to impose a limited moratorium on the cultivation, sale and/or dispensation of marihuana for medical purposes, except as provided by law, within Hartford Township

**HARTFORD TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

SECTION 1
FINDINGS

A. The cultivation, sale and/or dispensation of marihuana for medical purposes was not envisioned when the current Hartford Township Zoning Ordinance and Hartford Township Master Land Use Plan were adopted.

B. Processing zoning, building and other license and permit requests for uses associated with the cultivation, sale and/or dispensation of medical marihuana prior to the amendment of the Hartford Township Zoning Ordinance and/or the adoption or amendment of other Hartford Township ordinances 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. Hartford Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq (hereinafter "MMMA"), 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. Hartford Township through its Township Board finds that it is in the best interest of the Township that it has further time to study this matter and to prepare and adopt an

ordinance or ordinances to accomplish the above goals, such additional time to not exceed six months.

E. Hartford Township 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 marihuana (with certain exceptions as set forth herein) either (1) for a period of six months 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. "Marihuana" means the substance or material defined in Section 7106 of the Michigan Public Health Code, 1976 PA 368, MCL 333.7106.
- B. "Michigan Medical Marihuana Act" or "MMMA" 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, and who has been issued and possesses a Registry Identification Card under the Act.
- E. "Registry Identification Card" means the document defined under MCL 333.26423(i) of the Act.

SECTION 3 **MORATORIUM**

There is hereby imposed a moratorium upon the issuance of all Township permits, licenses and approvals including but not limited to building permits, land use permits, certificates of occupancy and zoning permits for the cultivation, storage, sale and/or dispensation of marihuana for medical purposes.

SECTION 4
EXCEPTIONS TO MORATORIUM

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

- A. The cultivation, storage and/or use of marihuana 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 marihuana for medical purposes in accordance with the MMMA and the administrative rules adopted thereunder 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 marihuana 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.

SECTION 5
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, 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 6
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:

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

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, to which Hartford Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 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 7
TERM OF MORATORIUM AND PROHIBITION

This moratorium imposed hereunder shall expire upon (1) six months from the effective date of this Ordinance or (2) the effective date of a new Township ordinance or ordinances addressing this matter, whichever occurs first.

SECTION 8
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.

Julie Sweet
Hartford Township

Certification

I hereby certify that the foregoing is a true and complete copy of Ordinance 41 Medical Marihuana Moratorium adopted by the Hartford Township Board at a meeting held on the 11th day of August, 2016, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act No. 167 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: September 6, 2016

Julie L. Sweet, Township Clerk

PUBLICATION

I hereby certify that the foregoing Ordinance was published in the Herald Palladium, Benton Harbor, Michigan, on the 17th day of August, 2016.

Julie L. Sweet, Township Clerk