

AMENDMENT TO ARTICLE IV – CHAPTER 38
OF THE ORDINANCES
OF THE CITY OF STURGIS

An ordinance to amend Article IV of Chapter 38 by adding Section 38-91 regulating certain acts by individuals within the City of Sturgis, Michigan that are qualified patients or primary caregivers as defined by the Michigan Medical Marihuana Act.

WHEREAS, the City Commission has determined that it is in the best interests of the residents of the City to regulate certain acts by individuals who are qualified patients or primary caregivers as defined by the Michigan Medical Marihuana Act based upon the following findings:

1. Voters in the State of Michigan approved a referendum authorizing the use of marihuana for certain medical conditions.
2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marijuana and to assist specific registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstance.
3. Despite the specifics of the state legislation and the activities legally allowed us as set forth herein, marihuana is still a construed controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growing, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and/or activity and this threat affects the health, safety and welfare of the residents of the City of Sturgis, State of Michigan.

It is the intention of the City that nothing in this ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

NOW, THEREFORE, The City of Sturgis, St. Joseph County, Michigan ordains:

Article IV, Section 38-91, Chapter 38 Medical Marihuana Manufacturing and Distribution is hereby added and is to provide as follows effective _____, 2010:

Sec 38-91 Medical Marihuana Manufacturing and Distribution

I. PURPOSE. It is the purpose of this ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or “primary caregivers” as those terms are defined in MCL 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct pursuant thereto in the City of Sturgis, Michigan so as to protect the health, safety and welfare of the general public.

II. DEFINITIONS. For the purposes of this ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCL 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008 unless defined otherwise herein.

1. Manufacturing as used in this Ordinance means the growing/cultivating of medical marihuana.
2. Distribution as used in this ordinance means the act of a primary caregiver delivering medical marihuana to a qualifying patient with whom the primary caregiver is associated through the Department of Public Health’s registration process

III. COMPLIANCE REQUIRED. Those individuals within the City of Sturgis, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein.

IV. REQUIREMENTS FOR QUALIFYING PATIENTS. A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.
2. Manufacturing and storage of medical marihuana by a qualifying patient shall only occur at the residence of the qualifying patient or other location permitted by this ordinance and shall only be allowed inside of an enclosed, locked facility which shall be a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control of the qualifying patient through written lease, contract or deed.
3. A qualifying patient may also possess on his person and under the qualifying patient’s exclusive control an amount of medical marihuana deemed medically necessary

to alleviate the condition that gave rise to the qualifying patient's registration with the Department of Public Health.

4. If a qualifying patient intends to manufacture and store medical marihuana at a location other than his or her primary residence, the same shall only occur at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis and shall not be within 1000 feet of a:

- A) Drug-free school zone
- B) Church
- C) Child care facility
- D) Residence or district zoned for residential use

5. Manufacturing and storage of medical marihuana by a qualifying patient shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.

V. REQUIREMENTS FOR PRIMARY CAREGIVER. A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

1. Manufacturing and storage of medical marihuana shall only be allowed inside of an enclosed, locked facility being a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control, through written lease, contract or deed, in favor of the primary caregiver or the qualifying patient with whom the primary caregiver is associated through the Department of Public Health's registration process.

2. Manufacturing and storage of medical marihuana by a primary caregiver shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.

3. Under no circumstances shall any third parties other than a qualified patient to whom a primary caregiver is lawfully registered to assist have access to the location where medical marijuana is being manufactured and/or stored.

4. The location from which a primary caregiver distributes medical marihuana to a qualifying patient shall be under the exclusive control, through written lease, contract or deed in favor of the primary caregiver.

5. Except for manufacturing and storage of medical marihuana that occurs at property under the exclusive control, through written lease, contract or deed in favor of a qualifying patient, a primary caregiver shall only manufacture and store medical

marihuana at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis.

6. The location from which a primary caregiver manufactures stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.

7. Except for manufacturing, storage and distribution that occurs at the primary residence of a qualifying patient as set forth above, the location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be within 1000 feet of a:

- E) Drug-free school zone
- F) Church
- G) Child care facility
- H) Residence or district zoned for residential use

8. Manufacturing, storage and distribution of medical marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available and shall only occur as otherwise in compliance with the Zoning Ordinance of the City of Sturgis, Michigan.

9. No consumption of medical marihuana shall occur at a primary caregiver's location for manufacturing, storage or distribution 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.

10. Distribution of medical marihuana by a primary caregiver to a qualifying patient shall only occur at the location of manufacturing and storage of medical marihuana or at the residence of the qualifying patient.

11. A primary caregiver shall annually register with the Sturgis Police Department the location where the primary caregiver shall engage in the manufacturing, storage and distribution of medical marihuana and the location shall be subject to an annual administrative inspection to ensure compliance with this Section. All information obtained through the registration process that would be deemed confidential pursuant to the Michigan Medical Marihuana Act shall be confidential and shall not be subject to disclosure pursuant to the Freedom of Information Act.

VI. SEVERABILITY. The invalidity of any clause, sentence, paragraph or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

VII. VIOLATIONS AND PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance shall be punished for each offense, upon conviction of a misdemeanor by a fine of not more than \$500.00 and

costs of prosecution, or by imprisonment for a period not exceeding 90 days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to continue shall constitute a separate offense.