

CHAPTER 21
MARIJUANA REGULATION

SECTION 1 **TITLE**

This Ordinance shall be known and cited as the Rives Township Marijuana Ordinance, Ordinance No. 2021-2, effective July 27, 2021.

SECTION 2 **PURPOSE**

This Ordinance is intended to promote the public health, safety and general welfare by regulating marijuana possession and cultivation consistent with requirements in the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, being MCL 333.27951, et. seq., as amended (MRTMA), and the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, being MCL 333.26421, as amended (MMMA), and to allow the Township to enforce state law limitations on the possession and cultivation of marijuana in the Township under local ordinance.

SECTION 4 **DEFINITIONS**

- A. "Medical Marijuana Primary Caregiver" or "Caregiver" means a person who is at least 21 years old and who is a registered and qualified caregiver as provided for under the MMMA.
- B. "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- C. "Enclosed, locked facility" means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Marijuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

SECTION 5 **GENERAL REGULATIONS**

It shall be unlawful and a violation of this Ordinance for any person or the owner or lessee of property to plant, cultivate or possess on any property in Rives Township medical or recreational marijuana except as otherwise authorized under the MMMA or the MRTMA. Permitted possession and cultivation under this Ordinance includes the following:

- 1. Any person who is registered as a qualified patient under the MMMA, and who possesses a registration card issued by the State of Michigan for medical marijuana use, may possess,

plant, cultivate and maintain up to 12 marijuana plants for personal use by the registered patient.

2. A medical marijuana primary caregiver who has been issued and possesses a registry identification card under the MMMA may assist up to five (5) registered patients, and may possess, plant, cultivate and maintain up to 12 marijuana plants per each patient who is connected to the caregiver as provided for under the MMMA. Medical marijuana that is possessed, cultivated and maintained under this section must at all times be kept within an enclosed, locked facility.
3. Any person who is over the age of 21 may possess, plant, cultivate and maintain up to 12 marijuana plants for personal use as permitted under the MRTMA.

Structures, buildings and the use of land in relation to possession, cultivation and maintenance of marijuana under this Ordinance shall at all times be subject to and in compliance with State Construction Code regulations, County Health regulations, Zoning regulations and other local ordinance regulations of the Township.

SECTION 6 ENFORCEMENT AND PENALTIES

Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for a violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

1. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$200 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
2. Each day during which any violation continues shall be deemed a separate offense.
3. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
4. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.