

ENSLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
(Ordinance No. 10-11A)

At a regular meeting of the Township Board for the Township of Ensley, held at the Township offices on November 9, 2010, the following ordinance/ordinance amendment was offered for adoption by Township Board Member John VanderMeulen, and was seconded by Township Board Member Brenda Bird:

AN ORDINANCE TO AMEND THE ENSLEY TOWNSHIP ZONING ORDINANCE REGARDING SECTION 3.32 (ENTITLED “CATEGORIES OR BUSINESSES OR USES NOT DESIGNATED”), TO ADD A DEFINITION OF MEDICAL MARIHUANA DISPENSARY TO SECTION 2.13 (DEFINITIONS – M) OF THE ZONING ORDINANCE AND TO ADD A NEW AND ADDITIONAL SECTION 3.42 REGARDING MEDICAL MARIHUANA DISPENSARIES TO THE GENERAL PROVISIONS OF THE ZONING ORDINANCE

THE TOWNSHIP OF ENSLEY (the “Township”) ORDAINS:

Article I. A new and additional Section 3.42 entitled “Prohibition on Medical Marihuana Dispensaries” is hereby added to Chapter 34 (“General Provisions”) of the Ensley Township Zoning Ordinance, as amended, to read as follows:

Section 3.42 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. Furthermore, no person shall frequent, patronize, or obtain or purchase any marihuana from any medical marihuana dispensary within the Township.

Article II. A new and additional definition of “Medical Marihuana Dispensary” is hereby added to Section 2.13 (Definitions – M) of Chapter 2 (the Definitions chapter) of the Ensley Township Zoning Ordinance, as amended, to read as follows:

Medical Marihuana Dispensary: Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

1. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).

2. A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana or such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance and any other applicable Ensley Township ordinances, but also all applicable Michigan and federal laws and regulations.

Article III. Existing Section 3.32 of the Ensley Township Zoning Ordinance, as amended, entitled “Categories or Businesses or Uses not Designated” is hereby amended in its entirety to read as follows:

Section 3.32 Categories or Businesses or Uses not Expressly Designated

Any use, use of land, activity, structure, or development activity not expressly allowed by this Ordinance is prohibited, unless the Zoning Administrator finds that the proposed use is substantially similar or identical in character to a use or item listed in this Ordinance. Uses, activities, enterprises, or purposes that are contrary to, or violate federal, state, or county laws or regulations, this Ordinance, or other Township ordinances are prohibited. An individual may apply to the Planning Commission for consideration of an amendment to the Zoning Ordinance to include a proposed use in one (1) or more of the zoning districts of this Ordinance, either as a Permitted Use or a Special Land Use. At their option and discretion, the Planning Commission and Township Board may consider an appropriate amendment to the Zoning Ordinance, but are not required to do so.

Article IV. Except as specified above, the balance of the Ensley Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article V. Severability. In the event that any one or more sections, provisions, phrases, or words of this ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this ordinance/ordinance

amendment, and the balance of this ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article VI. Effective Date. This ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date this ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this ordinance/ordinance amendment was as follows:

YEAS: John VanderMeulen, Cynthia Harwood, Brenda Bird, and Phillip Starr

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance/ordinance amendment adopted by the Township Board for Ensley Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: November 9, 2010

By _____
Cynthia Harwood
Ensley Township Clerk

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