

VILLAGE OF DRYDEN
MEDICAL MARIJUANA ORDINANCE

ORDINANCE NO. 61

**AN ORDINANCE REGULATING THE USE AND POSSESSION OF
MEDICAL MARIJUANA AND THE OPERATION OF A MEDICAL
MARIJUANA DISPENSARY IN THE VILLAGE OF DRYDEN, MICHIGAN.**

THE VILLAGE OF DRYDEN ORDAINS:

Section 1: Findings.

The Village of Dryden adopts this Ordinance based on the following findings of fact:

- A. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.

- B. 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 specifically registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.

- C. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, 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.

- D. If not closely monitored or regulated, the presence of marijuana 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 Village of Dryden.

E. It is the intention of the Village of Dryden 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 marijuana that is otherwise illegal.

Section 2: 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 a “primary caregiver” as those terms are defined by MCLA 333.26421, the Michigan Medical Marijuana Act, and to regulate the conduct of activity pursuant thereto in the Village of Dryden, Michigan so as to protect the health, safety and welfare of the general public.

Section 3: Definitions.

The definition of words and terms used in this Ordinance shall be the definitions contained in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

A dispensary is defined as any location providing Medical Marijuana to more than five (5) qualified patients and/or caregivers.

Section 4: Possession and Use of Medical Marijuana.

Medical marijuana can be possessed and used in the Village of Dryden only in accordance with and pursuant to the Michigan Medical Marijuana Act and the Rules of the Michigan Department of Community Health promulgated there under and any subsequent amendments to said Act or Rules.

Section 5: Dispensaries of Medical Marijuana.

It shall be unlawful for any “primary caregiver,” as defined by the Michigan Medical Marijuana Act, to dispense medical marijuana through any retail store, storefront, office building, manufacturing building, processing facility, or any other type of commercial or industrial building located within the Village of Dryden unless the Village Council has approved and issued a permit for such use.

Section 6: Permit Requirements for Primary Caregiver.

A person who has been issued and possesses a registration identification card as a “primary caregiver” as set forth in MCL 333.26421 et seq. shall supply the following information as part of the application process:

- A. Establish that the applicant is a currently registered “caregiver or patient” by producing his or her registration identification card issued by the State of Michigan;
- B. Provide a map citing the proposed location of said dispensary;
- C. There shall be no more than one dispensary for every 1,000 Village residents;
- D. Agree that the operation of said dispensary shall comply with applicable laws and regulations of the Michigan Medical Marijuana Act;
- E. Set hours of operation not to exceed from 8:00 a.m. to 9:00 p.m. Monday through Saturday;
- F. Not allow persons under the age of 18 to be on the premises of any medical marijuana dispensary unless they possess a valid medical marijuana registry card issued by the State of Michigan, and are accompanied by a parent or legal guardian;
- G. That the applicant’s facility is in compliance with the Federal Drug Free School Zone Act.

Section 7: Application to Operate.

A. Applications to operate a medical marijuana dispensary shall be available at the Village of Dryden office. A processing fee to be set by motion shall accompany a completed application, along with documentation and/or affidavits to support that the application meets the requirements of Section 6A through 6F of this Ordinance.

Any dispensary opened prior to the adoption of this Ordinance must file for a permit within thirty (30) days of the adoption of this Ordinance.

B. An application to operate a medical marijuana dispensary must be submitted at least seven (7) days prior to the next regularly scheduled Village Council meeting in order for said application to be considered at that meeting.

C. The application will be valid for sixty (60) days. If at the end of said sixty days, application has not been approved, the applicant will have to re-apply.

D. There shall be an annual renewal process.

Section 8: Civil Forfeiture.

Any medical marijuana sold or possessed with intent to sell in violation of this Ordinance may be seized, forfeited and disposed of by the police agencies serving the Village of Dryden.

Section 9: Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 10: Penalty.

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed responsible of violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars, plus Court costs and costs of prosecution not to exceed Five Hundred and 00/100 (\$500.00) Dollars, both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Village may in addition seek injunctive relief.

Section 11: Effective Date.

This Ordinance shall become effective twenty (20) days after said date of adoption.

Adopted by the Village Council of the Village of Dryden, Michigan on the 4th day of May, 2010 and published in the LA View, on the 13th day of May, 2010.

Pat Betcher, Village President

LeAnn Brewer, Village Clerk