

Charter Township of Orion

Ordinance No. 121

Possession or Use of Marihuana

Adopted May 3, 1999

AMENDED

December 1, 2014

January 16, 2018

AN ORDINANCE REGULATING THE ILLEGAL POSSESSION AND USE OF MARIHUANA AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND TO ESTABLISH THE AUTHORIZED ZONING DISTRICTS WHERE A QUALIFYING PATIENT OR PRIMARY CAREGIVER MAY CULTIVATE MEDICAL MARIHUANA RELATED TO MEDICAL MARIHUANA ACTIVITIES WITHIN THE TOWNSHIP AND FOR TRANSPORTATION OF MARIHUANA IN A MOTOR VEHICLE.

ARTICLE I – POSSESSION OR USE OF MARIHUANA

- A. It shall be unlawful for any person to knowingly or intentionally possess Marihuana except as permitted by the provisions of Michigan Medical Marihuana Act (MCL 333.26421 et seq.), the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101, et seq.), and the Charter Township of Orion Ordinance No. 154, as may be amended. Nothing herein is intended to limit or restrict the rights or privileges granted under Orion Township Ordinance No. 154.
- B. Cultivation of Marihuana by a Qualifying Patient as defined in MCL 333.26423 shall be permitted only in R-1, R-2, R-3, RM-1 or RM-2 Zoning Districts in single family detached dwellings which are owned or rented and occupied by the Qualifying Patient for their residential use.
- C. Cultivation of Marihuana by a Primary Caregiver as defined in MCL 333.26423 shall be permitted only in R-1, R-2, R-3, RM-1 or RM-2 Zoning Districts in single family detached dwellings which are owned or rented and occupied by the Primary Caregiver for their residential use or his/her Qualifying Patients, for their residential use, to whom they are connected through registration with the Michigan Department of Licensing and Regulatory Affairs.
- D. All of the above permitted cultivation of Marihuana plants shall be in compliance with the applicable Building and Fire Codes, and shall not occupy more than twenty-five percent (25%) of the dwelling excluding the basement square footage.
- E. It shall be unlawful for any person, facility, or business located in the Charter Township of Orion to operate a provisional center to sell Marihuana to (1) Qualified Patients, (2) Caregivers, or to sell any Marihuana to any Person, facility, or business that operates a provisional center that sells Marihuana to Qualified Patients or Caregivers regardless of any State law that may permit such sales.
- F. It shall be unlawful for any person to use, possess or transport Marihuana except as authorized by the provisions of the Michigan Medical Marihuana Act (MCL 333.26421 as may be amended et seq.) or the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.271, et seq.) and the Charter Township of Orion Ordinance No. 154, as amended.
- G. A person shall not transport or possess usable Marihuana as defined in MCL 333.26423 in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable Marihuana is one or more of the following;
 - 1. Enclosed in a case that is carried in the trunk of the vehicle;
 - 2. Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is travelling does not have a trunk.
 - 3. Is otherwise authorized and allowed under the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101, et seq., as amended) and under a valid permit issued under Orion Township Ordinance No. 154.

ARTICLE II – PENALTY

A person who violates Article I shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500), or both.

ARTICLE III – SAVINGS CLAUSE

Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any chapter, including Orion Ordinance No. 154, nor shall any just or legal right or remedy of any chapter be lost, impaired or affected by this Ordinance.

ARTICLE IV – SEVERABILITY

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

ARTICLE V – EFFECTIVE DATE

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion qualified under State law to publish legal notices and shall become effective upon publication, as provided by law.

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