

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE OPERATION OF "COMPASSION CARE CENTERS" WITHIN THE TOWNSHIP OF KIMBALL  
ORDINANCE 173

THE PEOPLE OF THE TOWNSHIP DO ORDAIN:

Section 1. Findings: The Township Board has determined that:

1. Allowing the operation of medical marihuana compassion care+ centers prior to Amending the Zoning Ordinance would be contrary to the goals of the Township's current Master Plan.
2. The Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423 et. seq. in order to protect the general health safety, and welfare of the Township.
3. A moratorium should be imposed upon the operation of medical marihuana Compassion care centers until December 31, 2010, or until an amendment of the Zoning Ordinance and other applicable codes, whichever occurs first.

Section 2. Prohibition of Compassion Care Centers: The operation of any Compassion Care Center within the Township of Kimball is hereby prohibited until the earlier of December 31, 2010. or the effective date of an amendment to the Kimball Zoning Ordinance and/or other applicable codes as deem necessary by the Township of Kimball.

Section 3. Defined Terms. For the purpose of this Ordinance, the following capitalized words and phrases shall have the meanings set forth below.

- A. "Act" shall mean the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423 et seq.
- B. "Medical Marihuana" shall mean "marihuana" used for "medical use", as those terms are defined in the Act.
- C. "Primary Caregiver" shall mean "primary caregiver" as that term is defined in the Act.
- D. "Qualifying Patient" shall mean, "qualifying patient" as that term is defined in the Act.
- E. "Debilitating Medical Condition" shall mean, "debilitating Medical condition" as that term is defined in the Act.
- F. "Public Place" shall have the same meaning as that term is defined by the rules promulgated by the Michigan Department of Community Health-Rule 333.101 et seq.
- G. "Compassion Care Center" shall mean any business, facility, informal association, club, cooperative, or collective of Qualifying Patients and Primary Caregivers which is operated for the purposes any of the following:
  - 1) providing educational classes, referrals, or network, services for the facilitation of assistance in the production, acquisition, use, distribution or delivery of Medical Marihuana;
  - 2) acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing Medical Marihuana or related supplies and educational materials;

- 3) helping to ensure that Primary Caregivers and Qualifying Patients who obtain, possess or cultivate Medical Marihuana are not subject to arrest, criminal prosecution or sanction:
- 4) permitting a person to use Medical Marihuana if that person is not certified as a Qualifying Patient or does not have a Debilitating Medical Condition; or
- 5) permitting a person to use Medical Marihuana in a Public Place.

Section 4. effective Date. This Ordinance shall be effective immediately the day following publication.

Section 5. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Certification:

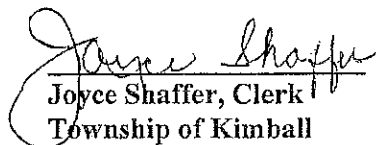
I, Joyce Shaffer, Clerk of the Township of Kimball, do hereby certify that Ordinance No.173 was adopted by the Kimball Township Board at a regular meeting of the Township Board held at the Township Hall on the 19<sup>th</sup>. Day of October, 2010, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. Published October 22, 2010.

Vote on this Ordinance, six (6) members being present was as follows:

AYES: Usakowski, Barrett, Hyde, Shaffer, Jackson, Riehl.

NAYS: None

ABSENT: Dease

  
Joyce Shaffer, Clerk  
Township of Kimball