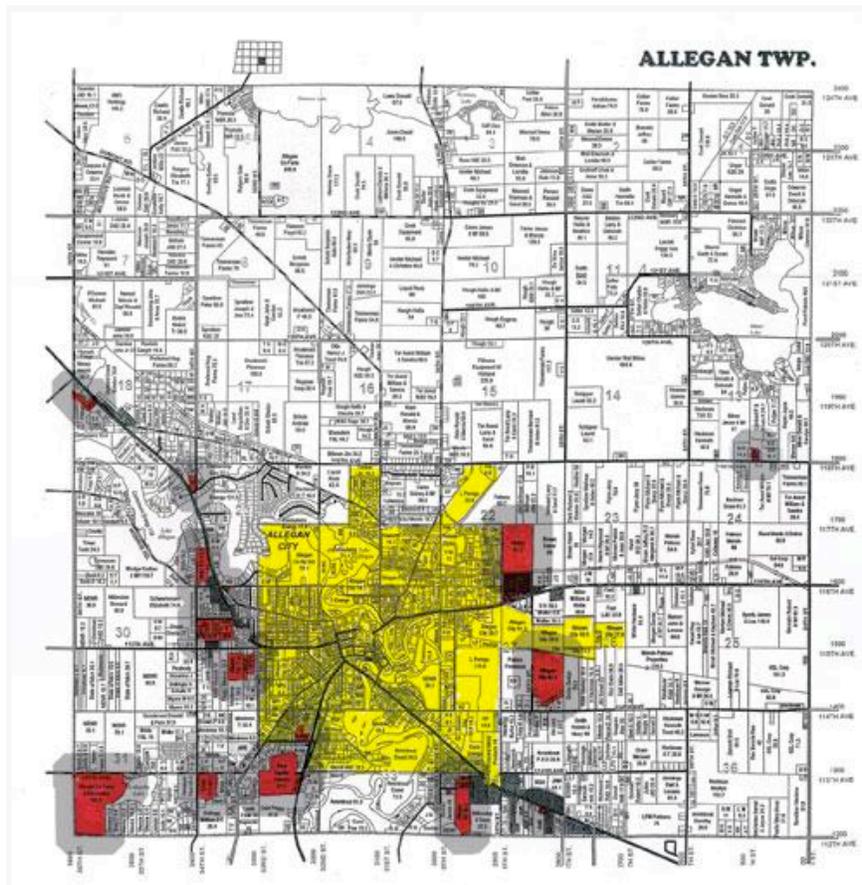


# The Allegan **County News**

July 13, 2011



**Allegan Township's newly passed medical marijuana ordinance regulates the growth and distribution of the substance as a home occupation. The ordinance prohibits the establishment of a medical marijuana home occupation within 1,000 feet churches, synagogues, other houses of worship, playgrounds, public swimming pools, preschools, schools and community centers. The restricted areas are shaded. (Photo by Tim Keith)**

## **Allegan Township regulates Marijuana**

The Allegan Township board passed an ordinance regulating the growth and distribution of marijuana as a home occupation in 4-0 vote Tuesday, July 5.

The new ordinance allows caregivers to grow marijuana as a home business, however they are required to deliver marijuana to patients.

The requirement will eliminate potential increases in traffic related to the distribution of medical marijuana, township supervisor Steve Schultz said.

“Not knowing how often (patients) would return, we wanted to limit the residential traffic,” he said.

Board members said that a caregiver would have to make separate deliveries to individual patients because of the 2.5-ounce limit.

Michigan Medical Marijuana Association president Michael Komorn said this was an incorrect interpretation of the law.

A caregiver could carry as much as 15 ounces, if he took care of five patients and was himself a patient, he said.

The law, passed in 2008, states that caregivers should not be “subject to arrest, prosecution or penalty” if they are in possession of a registry identification card and are carrying no more than 2.5 ounces per patient.

Komorn, a Southfield-based attorney who specializes in medical marijuana, said he had not heard of similar clauses in other local ordinances, adding he was concerned the requirement would increase the risk of patients and caregivers being unfairly arrested.

“Every time you add a prohibition or requirement, it creates a possibility of law enforcement involvement,” he said.

Lt. Frank Baker of the Allegan County Sheriff Department said caregivers operating under the law would not face arrest by county police.

“If they are within the parameters of the state law, we would not take enforcement action,” Baker said.

The new ordinance requires:

- A home occupation be located outside of a 1,000-foot radius of churches, synagogues, other religious centers, registered day cares, public community centers, private youth centers, playgrounds, public swimming pools, preschools, schools, colleges and vocational schools;
- No more than one primary caregiver within a single family dwelling;
- All marijuana stored in the residential structure in a “locked facility;”
- No signage regarding medical marijuana on the property;

- A site plan filed with the township's zoning officer.

The ordinance expressly prohibits the establishment of medical marijuana dispensaries or collectives.

The township joins several Allegan County municipalities in regulating distribution as a home occupation.

Otsego, Plainwell and Allegan allow patients to pickup marijuana from caregivers.

Michigan voters legalized possession and cultivation of limited amounts of marijuana for medical use in 2008. It remains illegal under federal law for any purpose and state officials have complained about several provisions of the law they say make it vague.

Legislation meant to clarify the law is under review by the state legislature.

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