

1 TOWNSHIP OF ATTICA

ORDINANCE NO. 2021-02

An ordinance to amend various articles of the Attica Township Zoning Ordinance to regulate the medical use of marijuana within the Township.

THE TOWNSHIP OF ATTICA HEREBY ORDAINS:

Section 1. Amendment to Section 2.2 of Article 2 of the Township Zoning Ordinance.

The Township hereby amends Section 2.2 of Article 2 of the Zoning Ordinance by adding the following definitions thereto:

The Act shall mean the Michigan Medical Marijuana Act, MCL 333.26421, et seq.

Marijuana shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Act.

Medical Marijuana Uses shall mean the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with a debilitating medical condition, as defined by the Act, being MCL 333.26423(h).

Medical Marijuana Home Occupation shall mean the medical use of marijuana conducted at a dwelling unit by a single primary caregiver who is also an owner of the dwelling unit as an accessory use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

School Property shall mean a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

Registered Primary Caregiver and **Registered Qualifying Patient** shall have the meanings ascribed to them by the Act.

Section 2. Amendment to Section 3.1.1 of Article 3 of the Township Zoning Ordinance.

The Township hereby amends Section 3.1.1 of Article 3 of the Zoning Ordinance by adding thereto a new subsection (C)(xxxii), under Special Land Uses, Medical Marijuana Home Occupations.

Section 3. Amendment to Section 3.1.2 of Article 3 of the Township Zoning Ordinance.

The Township hereby amends Section 3.1.2 of Article 3 of the Zoning Ordinance by adding thereto a new subsection (xvi), under Special Land Uses, Medical Marijuana Home Occupations.

Section 4. Amendment of Section 4.11 of Article 4 of the Township Zoning Ordinance.

The Township hereby amends Section 4.11 of Article 4 of the Township Zoning Ordinance by adding thereto a new subsection, 4.11(7), to read as follows:

7. Medical marijuana uses in accordance with Section 4.66 of Article 4 of this Ordinance.

Section 5. Amendment to Article 4 of the Zoning Ordinance by the Creation of a new Section 4.66.

The Township hereby amends Article 4 of the Zoning Ordinance by adding thereto a new Section 4.66 to read as follows:

4.66. Medical Marijuana Uses.

1. Not more than one registered primary caregiver, who shall also be the owner of the dwelling, shall be permitted to maintain medical marijuana uses as a home occupation at any one parcel in the Township.

2. Medical marijuana uses shall be conducted entirely within a dwelling unit, except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as the Act defines that phrase), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the Act.

3. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.

4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.

5. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

6. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs,

are subject to inspection and approval by the Township Supervisor or his or her designee.

7. The property, accessory building, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Township Supervisor or his or her designee.

8. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

9. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius (as measured from the closest property lines) from any School Property, including child care or day care facility, or playgrounds regularly utilized by children to ensure compliance with federal "Drug-Free School Zone" restrictions.

10. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit that is renewable on an annual basis, and payment of a reasonable annual fee set by the Township.

11. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.

(a) The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance and the Act. A permit shall be granted if the application demonstrates compliance with this Ordinance and the Act.

(b) The use shall be maintained in compliance with the requirements of this Ordinance and the Act. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.

(c) Information treated as confidential under the Act, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

12. The above provisions apply only to those uses permitted under the Michigan Medical Marijuana Act, PA 2008 Initiated Law, MCL 333.26421 et seq. Nothing herein shall be read or construed as to permit uses or activities provided for by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., or the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.

Section 6. Effective date.

This ordinance shall take effect thirty days after publication.

Voting for: Ochadleus, Winslow, Schultz, Herpolsheimer and Mason

Voting against: None (0)

The supervisor declared the ordinance adopted.

Valerie Schultz
Township Clerk

Al Ochadleus
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2021-02 which was enacted by the Attica Township Board of Trustees at a regular meeting held on March 11, 2021.

Valerie Schultz
Township Clerk