

ORDINANCE NO. 2011-04-03

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ROBINSON TOWNSHIP ZONING ORDINANCE, SPECIFICALLY PERTAINING TO MEDICAL MARIHUANA AND HOME OCCUPATIONS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Renumbering of Sections. Section 3.77 of the Robinson Township Zoning Ordinance concerning the definition of a marina shall be renumbered to Section 3.77.2; Section 3.77A concerning the definition of a medium wind energy turbine shall be renumbered to Section 3.77.4; and Section 3.77B concerning the definition of migrant labor housing shall be renumbered to Section 3.77.5.

Section 2. Marihuana Definition. Section 3.77.1 of the Robinson Township Zoning Ordinance shall be added to include the following definition.

SECTION 3.77.1 MARIHUANA.

Marihuana, also known as marijuana, also known as cannabis, shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or the General Rules of the Michigan Department of Community Health issued in connection with the MMMA.

Section 3. Medical Use of Marihuana Definition. Section 3.77.3 of the Robinson Township Zoning Ordinance shall be added to include the following definition.

SECTION 3.77.3 MEDICAL USE OF MARIHUANA.

Medical use of marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.

Section 4. MMMA Definition. Section 3.77.6 of the Robinson Township Zoning Ordinance shall be added to include the following definition.

SECTION 3.77.6 MMMA.

MMMA means the Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.

Section 5. Home Occupations. Section 4.18A of the Robinson Township Zoning Ordinance shall be added to state in its entirety as follows.

SECTION 4.18A OPERATION OF REGISTERED PRIMARY CAREGIVER AS HOME OCCUPATION.

A home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the "General Rules"), the MMMA, and the requirements of Section 4.18 of this Ordinance. Nothing in this Section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marihuana not in strict compliance with the MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Section, or in any companion regulatory provision adopted in any other provision of Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring under the Federal Controlled Substances Act or any other applicable Federal legislation. The following requirements for a registered primary caregiver shall apply.

- (A) The medical use of marihuana shall comply at all times and in all circumstances with the MMMA and the General Rules, as they may be amended from time to time.
- (B) A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, library, or day-care home with less than seven (7) children and therefore not considered a group day-care home under this Ordinance, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- (C) Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients per dwelling unit.

- (D) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- (E) If a room with windows is utilized as a growing location for marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the dwelling unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
- (F) That portion of the dwelling unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable standards.
- (G) The lot and dwelling unit shall be open for inspection upon request by any or all of the following for compliance with all applicable laws and rules: the Zoning Administrator or the building official or the Fire Department or law enforcement officials.
- (H) Any permitted sign for the medical use of marihuana shall not include a pictorial representation of the product provided at that dwelling unit, any references to marihuana, alternate spellings of marihuana, slang terms for marihuana, or any references to or pictorial representations of drug paraphernalia.
- (I) In the event of a conflict between the provisions of this Section and Section 4.18 of this Ordinance, this Section shall control.

Section 6. Effective Date. The foregoing amendment to the Robinson Township Zoning Ordinance was approved and adopted by the Township Board of Robinson Township, Ottawa County, Michigan on April 18, 2011, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on April 30, 2011, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Tracy Mulligan,
Township Supervisor

Jackie Frye,
Township Clerk

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CERTIFICATE

I, Jackie Frye, the Clerk for the Township of Robinson, Ottawa County, Michigan, certify that the foregoing Robinson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on April 18, 2011. The following members of the Township Board were present at that meeting: Tracy Mulligan, Jackie Frye, Bonnie Hayward, Bernice Berens and John Kuyers. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board Tracy Mulligan, John Kuyers, Bernice Berens, Jackie Frye and Bonnie Hayward voting in favor and members of the Board none voting in opposition. A copy of the Ordinance or a summary was published in the *Grand Haven Tribune* on April 22, 2011.

Jackie Frye, Clerk
Robinson Township

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