

CHARTER TOWNSHIP OF CHINA
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE NO. 170

AMENDMENT OF THE CHARTER TOWNSHIP OF CHINA CODE OF ORDINANCES, CHAPTER 30,
SECTION 447, PERTAINING TO MEDICAL MARIJUANA CAREGIVERS

TITLE

AN ORDINANCE, amending the Charter Township of China Code of Ordinances Chapter 30, by adding Section 447, to add provisions related to the regulating of Medical Marijuana Caregivers, and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF CHINA, ST. CLAIR COUNTY, MICHIGAN,
ORDAINS:

Section 30-447 Medical Marijuana Caregivers

- a. Primary caregiver activities are permitted as a Home Occupation in strict compliance with the following requirements:
 1. A registered primary caregiver, in compliance with the Michigan Medical Marijuana Act (Act), MCL 333.264.26421, et Seq., the Administrative Rules promulgated by the State of Michigan as amended from time to time and the requirements of this Section, shall be permitted to grow marijuana in the caregiver's residential dwelling as a home occupation pursuant to the requirements of this Section.
 2. The primary caregiver is required to register the location of the home occupation with the China Township Clerk's Office. At the time of registration, the caregiver shall provide the following information on a form provided by the Township Clerk.
 - i. A current registration card issued to the primary caregiver.
 - ii. A full description of the nature and types of equipment that will be used in marijuana cultivation and processing.
 - iii. Sufficient evidence that the registered primary caregiver resides, full time, at the residential dwelling.
 3. All medical marijuana grown by the caregiver shall be contained in an enclosed, locked facility, inaccessible on all sides, and equipped with locks or other security devices that permit access to only the registered primary caregiver or registered qualifying patient in full compliance with the Act and Administrative Rules.

4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the production of marijuana are located.
5. Those portions of the residential structure where energy usage and heat exceed typical residential use, such as a marijuana grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers are subject to inspection and approval by the China Township Building Department to ensure compliance with applicable Building codes.
6. If a room with windows is utilized as the marijuana growing location, any lighting methods that exceed usual residential use between the hours of 11 pm and 7 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
7. Not more than one registered primary caregiver may be permitted to operate or engage in primary caregiver home occupation activities at any residential dwelling pursuant to this Section.
8. No person, other than the primary caregiver, shall be engaged or involved in the growing, processing, dispensing, delivering, or handling of medical marijuana except to the extent that the primary caregiver lawful transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
9. The use of the primary caregiver's residential dwelling for medical marijuana-related purposes shall be clearly incidental and subordinate to the dwelling used for residential purposes. Not more than 25% of the gross finished floor area of the dwelling, including the basement, if any, in a single-family dwelling shall be used for the growing, processing, or handling of medical marijuana. Any modifications to the dwelling made for the purpose of cultivating medical marijuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. No part of any accessory building, detached garage, pole barn, or similar building or structure shall be used for the growing, processing or distribution of medical marijuana.
10. There shall be no visible change to the outside appearance of the primary caregiver's residential dwelling or other visible evidence of conduction of a medical marijuana operation within the dwelling.

SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

PUBLICATION

This Ordinance shall be published in accordance with MCL 42.8(3)(b) by posting a copy of the Ordinance in the office of the Township Clerk, and on the China Township website.

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of a summary of the Ordinance after final passage in accordance with MCL 42.22

CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of the ordinance duly adopted by the Charter Township of China, St. Clair County, Michigan, at a meeting held on the 20th day of September 2021.

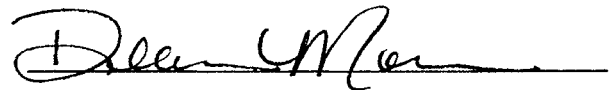
I hereby further certify that the following Township Board members were present at the meeting: Supervisor Golan, Clerk Moran, Trustee Beier, Trustee Cook, Trustee Neiman, Trustee Turke.

and the following were absent: None

I further certify that Member Trustee Beier moved for adoption of the Ordinance, and that the motion was seconded by Member Trustee Turke.

I further certify that the following China Township Board Members voted for the adoption of the Ordinance Supervisor Golan, Clerk Moran, Trustee Beier, Trustee Cook, Trustee Neiman, Trustee Turke.

and that the following China Township Board Members voted against adoption of the Ordinance: None



Deanna Moran, Clerk
Charter Township of China

CERTIFICATION OF PUBLICATION

I, Deanna Moran Township Clerk of the Charter Township of China do hereby certify that on September 20, 2021, the foregoing Ordinance was posted in the office of the Township Clerk and on the Charter Township of China website as authorized by MCL 42.8(3)(b); and on September 29, 2021, a Notice of Ordinance Adoption was published in a newspaper circulating within the Charter Township of China.

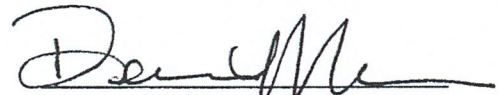
A handwritten signature in black ink, appearing to read "Deanna Moran", is written over a horizontal line.

Deanna Moran, Clerk
Charter Township of China

Charter Township of China
St. Clair County, Michigan

NOTICE OF ADOPTION OF ORDINANCE AMENDMENT

On September 20, 2021, the Township Board of the Charter Township of China, St. Clair County, Michigan adopted an amendment to Section 30-447 of the Code of Ordinances (Zoning) pertaining to regulating Medical Marijuana Caregivers as a home occupation. The Ordinance Amendment shall become effective 30 days from the date of this notice publication. A copy of the amendment may be viewed during regular business hours at the China Township Clerk's Office located at 4560 Indian Trail, China Township, Michigan 48054. A copy of the amendment is also available for inspection at www.chinatwp.net.



Deanna Moran, Clerk
Charter Township of China

Medical Marijuana Caregivers

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2. A primary caregiver is required to register the location of the home occupation with the China Township Clerk's office. At the time of registration, the caregiver shall provide the following information on a form provided by the Township Clerk:

- a. A current Michigan registration card issued to the primary caregiver.
- b. A full description of the nature and types of equipment which will be used in marijuana cultivation and processing.
- c. Sufficient evidence that the registered primary caregiver resides, full time, at the residential dwelling.

3. All medical marijuana grown by the caregiver shall be contained in an enclosed, locked facility, inaccessible on all sides, and equipped with locks or other security devices that permit access only the registered primary caregiver or registered qualifying patient in full compliance with the Act and Administrative Rules.

4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located.

5. Those portions of the residential structure where energy usage and heat exceeds typical residential use, such as a marijuana grow room, and the storage of any chemicals such as herbicides, pesticides and fertilizers are subject to inspection and approval by the China Township Building Department to insure compliance with applicable Building codes.

6. If a room with windows is utilized as the marijuana-growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or created a distraction or nuisance to adjacent residential properties.

7. Not more than one registered primary caregiver may be permitted to operate or engage in primary caregiver home occupation activities at any residential dwelling pursuant to this Section.

8. No person other than the primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivering or handling of medical marijuana except to the extent that the primary caregiver lawfully transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.

9. The use of the primary caregiver's residential dwelling for medical marijuana related purposes shall be clearly incidental and subordinate to the dwelling's use for residential purposes. Not more than 25% of the gross finished floor area of the dwelling including the basement, if any, in single family dwellings shall be used for the growing, processing, or handling of medical marijuana. Any modifications to the dwelling made for the purpose of cultivating medical marijuana shall comply with all applicable building, electrical, mechanical and fire safety code requirements, including all requisite permit applications and related inspections. No part of any accessory building, detached garage, pole barn or similar building or structure shall be used for the growing, processing or distribution of medical marijuana.

10. There shall be no visible change to the outside appearance of the primary caregiver's residential dwelling or other visible evidence of conducting a medical marijuana operation within the dwelling.