

BEDFORD TOWNSHIP ORDINANCE NO. 44A- 278

ZONING ORDINANCE AMENDMENT

MEDICAL MARIHUANA

An Ordinance enacted pursuant to Act 110, Public Acts of 2006, as amended, better known as the “Michigan Zoning Enabling Act”, and according to the Master Plan of the Township as has been adopted and amended from time to time; to amend Bedford Township Ordinance No. 44, as amended, known as the “Township of Bedford Zoning Ordinance”, which originally became effective May 5, 1977; so as to allow registered primary caregivers engaged in patient assistance and cultivation of medical marihuana for the number of registered qualifying medical marihuana patients allowed under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as a Home Occupation, and to do so by modifying and adding new provisions to Section 1924; and to prohibit the manufacture and/or commercial sale and/or commercial group use of medical marihuana in such things as medical marihuana dispensaries, compassion clubs, grow facilities, growing cooperatives, nurseries, marihuana stores or similar type medical marihuana manufacturing, agricultural or commercial activities in the Township, other than those activities by individual registered qualifying medical marihuana patients and registered primary caregivers in accordance with this Ordinance and specifically authorized under the Michigan Medical Marihuana Act, and to do so by adding a new Section 1926; and for the purpose of promoting and protecting the public health, safety and general welfare of the residents and properties of the Township of Bedford.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BEDFORD, COUNTY OF MONROE, STATE OF MICHIGAN, HEREBY ORDAINS:

SECTION 1. AMENDMENTS TO SECTION 1924, “HOME OCCUPATIONS”, IN ARTICLE XIX, GENERAL PROVISIONS.

Ordinance No. 44, known as the “Township of Bedford Zoning Ordinance”, shall be amended by:

(a) Adding an additional subparagraph referred to as “q” to the end of paragraph 1 in Section 1924 to be inserted after existing subparagraph “p”, and which shall state as follows:

... Sec. 1924 Home Occupations.

... 1.

... q. One registered primary caregiver legally qualified under the

Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, to assist only the allowable number of registered qualifying medical marihuana patients who have specified that the registered primary caregiver will be allowed to assist those registered qualifying medical marihuana patients, in accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008. This home occupation use shall only be permitted for so long as the State of Michigan allows said use, as it presently does under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008. There shall be allowed only one registered primary caregiver per dwelling unit, and the registered primary caregiver shall be a permanent occupant of the dwelling unit. The registered primary caregiver shall assist no more than the maximum number of registered qualifying medical marihuana patients allowable under Michigan law for one registered primary caregiver. The registered primary caregiver shall possess no more than the maximum amount of usable marihuana, and shall cultivate no more than the maximum amount of marihuana plants, which are allowed by Michigan law for the number of registered qualifying medical marihuana patients being lawfully assisted by the registered primary caregiver. Insofar as marihuana may be an illegal controlled substance under federal and/or state law, nothing in this provision is intended, nor shall it be construed, to grant any immunity from criminal prosecution relating to the registered primary caregiver's activities. The activities of a registered primary caregiver shall at all times and in all circumstances comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, and the general rules of the Michigan Department of Community Health, as they may be amended from time to time. The allowance of this use shall be subject to any and all other federal, state or local laws and ordinances, such as, but not necessarily limited to compliance with federal "drug-free school zone" requirements.

(b) Modifying subparagraphs "f", "i", "l", "m" and "n" of paragraph 3 of Section 1924, by their wholesale deletion, and insertion in lieu thereof, new replacement subparagraphs "f", "i", "l", "m" and "n" of paragraph 3, which shall state as follows:

... 3.

... f. A Home Occupation shall not be located in a dwelling unit in any area zoned other than residential or agricultural, except one registered primary caregiver under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, may be located in a dwelling unit in any zoned district where the dwelling unit lawfully exists, and when the registered primary caregiver is a permanent occupant of that dwelling unit

... i. All activities shall be carried on inside the dwelling unit, and no activities or storage shall be permitted outside the dwelling unit or in an accessory building, except under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, a registered primary caregiver who is a permanent occupant of a one-family dwelling, may possess the lawful amount of usable marihuana, and may cultivate and store the lawful amount of marihuana plants, in any enclosed, locked building, on the parcel where the one-family dwelling exists and when the registered primary caregiver is a permanent occupant of that one-family dwelling. An enclosed, locked building shall be any closet, room or other enclosed area, either in the one-family dwelling or in a garage or accessory building on the parcel containing the one-family dwelling, equipped with locks or other security devices that permit access only by the registered primary caregiver who is a permanent occupant of the one-family dwelling.

... l. For Home Occupations other than a registered primary caregiver under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, there shall be no outside display of any kind, and no change in the outside appearance of the dwelling unit or the structure housing the dwelling unit, or other external or visible evidence of the conduct of the Home Occupation, except for one non-illuminated name plate sign containing only the name, address and occupation of the resident of the dwelling unit, not more than two square feet in area, which shall be mounted flat against the wall of the dwelling unit or the structure housing the dwelling unit. For registered primary caregivers under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, there shall be no outside display of any kind, and no change in the outside appearance of the

dwelling unit or the structure housing the dwelling unit, or on any other building or structure on the premises, and there shall be no other external or visible evidence of the conduct of the registered primary caregiver, and there shall be no name plate sign or other sign.

m. For Home Occupations other than a registered primary caregiver under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, no more than 20% of the floor area of the dwelling unit shall be utilized for such Home Occupation. For registered primary caregivers under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, no more than 20% of the floor area of the dwelling unit shall be utilized for such Home Occupation, if said use takes place in the dwelling unit, but if, for a one family dwelling, it takes place in other than the one-family dwelling, such as if the use takes place in a lawful garage or accessory building, then no such restriction shall apply.

n. For Home Occupations other than a registered primary caregiver under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, no equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectible to the normal human senses off the parcel if the Home Occupation is conducted in a one-family dwelling, or outside the dwelling unit if conducted in a dwelling unit that is other than a one-family dwelling. For registered primary caregivers under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, no equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectible to the normal human senses (1) off the parcel if the Home Occupation is conducted in a one-family dwelling or in a lawful garage or accessory building, or (2) outside the dwelling unit if conducted in a dwelling unit that is other than a one-family dwelling. For all Home Occupations, in the case of electrical interference, no equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the lot, or causes fluctuation in line voltage off the lot.

SECTION 2. AMENDMENT TO ARTICLE XIX, GENERAL PROVISIONS, TO ADD A NEW SECTION 1926, MEDICAL MARIHUANA ALLOWANCES AND RESTRICTIONS.

Ordinance No. 44, known as the "Township of Bedford Zoning Ordinance", shall be amended by adding a new Section 1926, entitled "Medical Marihuana Allowances and Restrictions", to Article XIX, entitled "General Provisions", such that new Section 1926 shall be added after existing Section 1925, to state as follows:

ARTICLE XIX GENERAL PROVISIONS

. . . Sec. 1926 Medical Marihuana Allowances and Restrictions.

The Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, restricted prosecution for such things as possession, use and cultivation of marihuana by registered primary caregivers and registered qualifying patients. To allow for said uses in the Township of Bedford, the Township has provided in Section 1924, "Home Occupations", of this Ordinance, for lawful activities by one registered primary caregiver per dwelling unit under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, to exist as a Home Occupation, subject to various restrictions stated in said Section 1924. Further, the lawful activities of a registered qualifying patient shall be considered a permitted accessory use to a dwelling unit, so long as all other requirements for the dwelling unit, such as having no more than one family residing in the dwelling unit, are complied with, but said use shall only be permitted for so long as the State of Michigan allows said use, as it presently does under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008. Other than the activities of a registered qualifying patient as a permitted accessory use to a dwelling unit, and the activities of a registered primary caregiver as a Home Occupation under Section 1924 of this Article XIX of this Ordinance, no other uses of medical marihuana shall be permitted. No economic, manufacturing or commercial enterprise was provided for in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, so none are being permitted in the Township of Bedford under this Ordinance. There shall be no medical marihuana dispensaries, no medical marihuana compassion clubs, no medical marihuana grow facilities, no medical marihuana growing cooperatives, no medical marihuana nurseries, no medical marihuana stores, and no other medical marihuana manufacturing, agricultural or commercial activities whatsoever allowed in any zoning district in the Township. Further, any other medical marihuana use that goes beyond one registered primary caregiver per dwelling unit acting as a Home Occupation in accordance with law and in accordance with the regulations under Section 1924 of this Ordinance, or the lawful activities of a registered qualifying patient as a permitted accessory use to a dwelling unit, shall not be permitted, except as may be specifically, clearly and directly allowed under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008.

SECTION 3. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, repealed.

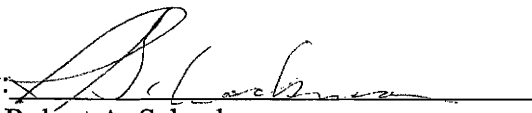
SECTION 4. SEVERABILITY

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are hereby declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.


SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after publication of a Notice of Adoption in a newspaper of general circulation in the Township of Bedford, Monroe County, Michigan, unless otherwise provided by law.

THE TOWNSHIP BOARD, BEDFORD
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:

By: 
Robert A. Schockman,
Bedford Township Clerk

AUTHENTICATED:


Walter C. Wilburn,
Bedford Township Supervisor

I, Robert A. Schockman, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Bedford, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Bedford, Monroe County, Michigan, at a regular meeting of the Township Board held at the Bedford Township Hall, Temperance, Bedford Township, Michigan, on the 5th day of April, 2011.

The vote on said Ordinance, 7 members being present and 0 members absent, was as follows:

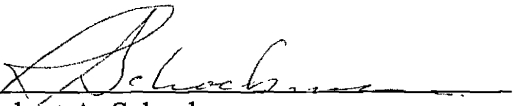
Member's Last Name

Voting in Favor:	Francis _____	O'Dell _____
	Hurley _____	Goebel _____
	Meyer _____	Schockman _____
	Wilburn _____	
Voting Against:	None _____	_____


Abstained:	None _____	_____

Absent:	None _____	_____

THE TOWNSHIP BOARD, BEDFORD
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:


By: 
Robert A. Schockman,
Bedford Township Clerk

AUTHENTICATED:



Walter C. Wilburn,
Bedford Township Supervisor

I, Robert A. Schockman, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Bedford, and I do hereby certify that a Notice of Adoption of Ordinance No. 44A-278, an amendment to the Township of Bedford Zoning Ordinance, was published on the 11th day of April, 2011, in the Monroe Evening News newspaper, Monroe County, Michigan, a newspaper of general circulation in the Township of Bedford, within fifteen (15) days after adoption.

Dated: April 6, 2011

By: 
Robert A. Schockman,
Bedford Township Clerk

ATTEST:


Walter C. Wilburn,
Bedford Township Supervisor

ADOPTED: April 5, 2011,

PUBLISHED: April 11, 2011

EFFECTIVE: April 19, 2011