

FIFE LAKE TOWNSHIP
Ordinance No. _____ 1 of 2014

AN ORDINANCE TO AMEND THE FIFE LAKE TOWNSHIP ZONING
ORDINANCE TO AUTHORIZE THE MEDICAL USE OF MARIJUANA AS
A PERMITTED LAND USE IN THE TOWNSHIP

THE TOWNSHIP OF FIFE LAKE HEREBY ORDAINS:

Section 1. Amendment of Article 4.

Article 4 of the Fife Lake Township Zoning Ordinance is hereby amended to add a new Section 4.54, which shall read in its entirety:

4.54 MEDICAL USE OF MARIJUANA.

- A. **Definitions.** For purposes of this section, the following terms shall be defined as stated herein:
1. Enclosed locked facility: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act), being MCL 333.26423.
 2. Marijuana or marihuana: That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended, (Michigan Public Health Code), being MCL 333.7106.
 3. Medical Use: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act), being MCL 333.26423.
 4. Primary caregiver: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.
 5. Primary caregiver facility: The dwelling in which a primary caregiver resides, or an accessory building to that dwelling, within which the primary caregiver performs primary caregiver services for qualifying patients.
 6. Qualifying patient: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act),

being MCL 333.26423 who has registered with the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

- B. **Intent and Purpose.** The purpose of this section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the “MMMA”), Initiated Law 1 of 2008, MCL 333.26423, *et seq.*, as amended, and its administrative rules, R 333.101, *et seq.*
- C. **Regulations for Qualifying Patients.** The medical use of marijuana by a qualifying patient in that qualifying patient’s dwelling or an accessory building to that dwelling is hereby recognized as an accessory use to the principal residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:
1. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
 2. All marijuana plants or products must be contained or grown within the dwelling, an accessory building, or outdoors in an enclosed, locked facility, that permits access only by the qualifying patient.
 3. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- D. **Regulations for Primary Caregivers.** The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:
1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.

2. The primary caregiver must obtain a zoning permit under Section 21.3 of this Ordinance.
3. Except when being transported as provided in subsection 9 below, all marijuana plants, or products must be contained within the primary caregiver facility or outdoors in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
4. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
5. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. A husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
6. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than 1 _____ (___) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
7. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 9 a.m. and 9 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary Caregiver facility or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.

9. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
10. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within 1000 feet of a lot on which any of the following uses are located:
 - a). Any church or place of worship and its accessory structures.
 - b). Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.
 - c). Any preschool, childcare or day care facility and its accessory structures.
 - d). Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

- E. **Relationship to Federal Law.** Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

FIFE LAKE TOWNSHIP

By: _____
Linda Forwerck

Its: Supervisor

By: _____
Judy Houts

Its: Clerk