

**RICH TOWNSHIP**  
**LAPEER COUNTY, MICHIGAN**

**ORDINANCE NO. 300 04**

**AMENDMENT OF RICH TOWNSHIP ZONING ORDINANCE**

**TITLE**

AN ORDINANCE amending the Rich Township Zoning Ordinance, being Ordinance No. 300 of the Rich Township Ordinances, as amended, to provide that medical marijuana caregivers may operate as a home occupation in the Agricultural Forestry Residential (AFR) District, establish regulations for such home occupations and repeal any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF RICH TOWNSHIP, LAPEER COUNTY,  
MICHIGAN, ORDAINS:**

**SECTION 1 – AMENDMENTS**

Article VI (AFR Agricultural Forestry Residential District), Section 6.01 (Principal Uses Permitted) of the Rich Township Zoning Ordinance, being Ordinance No. 300, as amended, is hereby amended to add the following additional provisions:

**K – Medical Marijuana Uses**

Primary caregiver activities are permitted as a home occupation in the Agricultural Forestry Residential (AFR) District in strict compliance with the following requirements:

1. A registered primary caregiver, in compliance with the Michigan Medical Marijuana Act (“Act”), MCL 333.26421, *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.

2. A primary caregiver is required to register the location of the grow activity with the Rich Township Clerk’s office prior to the commencement of any grow activities. 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 residential dwelling is owned by the caregiver.
- d. A floor plan depicting the area(s) of the dwelling unit that will be utilized for the cultivation of marijuana.
- e. A plan submitted to and approved by the Rich Township building official and fire marshal for the processing, storage and cultivation of medical marijuana. The plan shall describe, in detail, the process and methods used for the growth, processing and/or cultivation of medical marijuana, including a description of the heating equipment and processes, chemical storage, filtration equipment, electrical wiring and lighting and plant material and water disposal methods to be utilized.

3. All medical marijuana grown by the caregiver shall be contained in an enclosed, locked facility and inaccessible on all sides and equipped with locks or other security devices that permit access only by 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 Rich Township Fire Department to insure compliance with applicable fire codes.

6. If a room with windows is utilized as the marijuana-growing location, any lighting methods that exceed typical 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 creates a distraction or nuisance to adjacent residential properties.

7. A primary caregiver must be the owner and occupant of the residential premises to engage in primary caregiver home occupation activities pursuant to this Section. No medical marijuana grow operations are permitted in a residential dwelling by anyone other than the owner and occupant of the dwelling.

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.

10. 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.

11. No part of any accessory building, attached or detached garage, pole barn or similar building or structure shall be used for the growing, processing or distribution of medical marijuana.

12. 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.

13. No more than seventy-two (72) marijuana plants shall be grown in any residential dwelling by a primary caregiver. A qualifying patient may grow twelve (12) marijuana plants in his/her residential dwelling.

14. Odors generated by the marijuana grow activities shall be contained within the residential dwelling.

15. Outdoor storage is prohibited in connection with any caregiver grow operations.

## **SECTION 2. REPEAL OF CONFLICTING PROVISIONS**

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

## **SECTION 3. 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.

**SECTION 4. PUBLICATION**

A Notice of Ordinance Adoption setting forth the regulatory effect of the Ordinance or the text of the Ordinance shall be published in the County Press newspaper, a newspaper of general circulation within Rich Township within fifteen (15) days of the adoption of this Ordinance.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days after the date of publication as provided for in Section 4.

**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Township Board of Rich Township, Lapeer County, Michigan at a meeting held on the 9<sup>th</sup> day of August 2021.

I hereby further certify that the following Township Board members were present at the meeting: Chittick-Harvey, Curell, Mohr, Running, Scheuer, and the following Township Board Members were absent: None.

I further certify that Member Curell moved for the adoption of the Ordinance Amendment and that the motion was supported by Member Scheuer.

I further certify that the following Rich Township Board Members voted for the adoption of the Ordinance Amendment: Chittick-Harvey, Curell, Mohr, Running, Scheuer and the following Township Board Members voted against adoption of the Ordinance Amendment: None.



Pamela Running, Clerk

Township of Rich