

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

**PROPOSED ZONING ORDINANCE NO. 39.165**  
ZONING CASE #17-885

An Ordinance to amend certain sections of the Delhi Charter Township Zoning Ordinance No. 39 in accordance with the Provisions of Act 110 of the Public Acts of 2006, and Act 359, of the Public Acts of 1946, as amended.

**PREAMBLE**

**AN ORDINANCE TO AMEND THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE TO AMEND SUB-SECTION 5.1.5(4) AND ADD SUB-SECTION 5.1.5(5) WHICH PERTAIN TO THE TOWNSHIP'S REGULATION OF MEDICAL MARIHUANA AND CLARIFY SAME UNDER THE PROVISIONS OF CURRENT STATE LAWS, TO AMEND SUB-SECTION 5.1.11.4(1)(a-d), 5.1.11.4(1)(f), 5.1.11.4(1)(i) AND 5.1.11.4(2) REGARDING MEDICAL MARIHUANA ACTIVITIES, TO AMEND SECTION 6.7.4 TO MAKE CORRECTION OF A CLERICAL ERROR, TO ADD SUB-SECTION 6.7.11 WHICH STATES THAT COMMERCIAL MEDICAL MARIHUANA FACILITIES OR ACTIVITIES EXISTING IN THE TOWNSHIP PRIOR TO DECEMBER 15, 2017 SHALL NOT BE CONSIDERED LEGAL NON-CONFORMING USES AND TO ADD SUB-SECTION 6.7.12 WHICH STATES THAT PROPERTY OWNERS ENGAGING IN SAME SHALL HAVE NO VESTED RIGHTS OR NONCONFORMING USE RIGHTS, TO ESTABLISH THE CONTINUED EFFECT OF SECTIONS NOT AMENDED, SEVERABILITY AND EFFECTIVE DATE OF SAME. ALL PROPOSED CHANGES WILL IMPACT ALL ZONING DISTRICTS WITHIN DELHI CHARTER TOWNSHIP.**

The Charter Township of Delhi, Ingham County, Michigan, ordains:

**SECTION I. AMENDMENT OF THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE TO AMEND SUB-SECTION 5.1.5(4) AND ADD SUB-SECTION 5.1.5(5) WHICH PERTAIN TO THE TOWNSHIP'S REGULATION OF MEDICAL MARIHUANA AND CLARIFY SAME UNDER THE PROVISIONS OF CURRENT STATE LAWS, WHICH IMPACTS ALL ZONING DISTRICTS WITHIN THE TOWNSHIP.**

**5.1.5 USES NOT PERMITTED IN ANY DISTRICT:** The following uses are not allowed in any district, subject to the conditions imposed herein.

- 1) The wrecking, storage or dismantling of automobiles, or the maintenance and/or operation of junk cars is prohibited, except as provided for in Section 5.17.3.

- 2) The keeping of cattle, hogs, sheep, goats, horses, or other animals shall be prohibited, except in A-1, Agricultural and R-1A, Residential Districts as provided for, PROVIDED, however, cats, dogs, or other household pets may be kept as personal pets only.
- 3) No conditions shall be allowed to exist which will constitute a hazard to health, welfare or safety, are unsightly, or in any way create a nuisance or damage adjoining property.
- 4) Commercial marihuana and/or commercial medical marihuana grower(s), processor(s), provisioning center(s), secure transporter(s), safety compliance facility(ies), dispensaries, compassion clubs, or medical marihuana compassion clubs are not permitted as a land use in any zoning district within Delhi Charter Township.
- 5) A commercial marihuana facility, or commercial activities associated with the growing, processing, sales, transporting or testing of marihuana, are not be permitted as a business, home business, activity, or accessory use, nor may such activities include accessory uses in any zoning district within Delhi Charter Township.

**SECTION II. AMENDMENT OF THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE TO AMEND SUB-SECTION 5.1.11.4(1)(a-d), 5.1.11.4(1)(f), 5.1.11.4(1)(i) AND 5.1.11.4(2) REGARDING MEDICAL MARIHUANA ACTIVITIES WITHIN ALL ZONING DISTRICTS OF THE TOWNSHIP.**

**5.1.11.4 Medical marihuana activities.**

- 1) Medical marihuana primary caregiver. Commercial marihuana and commercial medical marihuana activities shall not be permitted as a home occupation or business. A primary caregiver, subject to the restrictions set forth in the definitions to this ordinance and requirements of the Michigan Medical Marihuana Act and the general rules of the Michigan Department of Public Health and this Ordinance, may furnish and provide the services of a registered primary caregiver in a residence subject to the following restrictions:
  - (a) The provisions and restrictions set forth in Section 5.1.11.3 shall be applicable to this use.
  - (b) The growing of medical marihuana by a primary caregiver shall be limited to the A-1, TC, R1-A, R1-B, R1-C, R1-D and R1-E zoning districts only.
  - (c) No signs or advertisements of any kind shall be permitted or visible on or from the exterior of the property or structure involved in primary caregiver activities relating to the medical marihuana activities.
  - (d) A registered primary caregiver's medical marihuana growing activities shall be limited to the number of plants allowed by law, subject to application for and issuance of a Medical Marihuana Location Permit for such growing operation issued by the Township.

- (e) A registered primary caregiver, excluding the primary caregiver as a registered patient, shall not in providing services to other registered patients, grow, possess, furnish, transfer, or allow to be used, medical marihuana for other registered patients within any non-owner occupied dwelling wherever situated in the Delhi Charter Township, or any structure or dwelling within one thousand (1,000) feet from the property line of any real property upon which any school, child care facility, preschool, or church is situated. Any person who violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
  - (f) The use of a dwelling under this section shall be limited to two (2) primary caregivers residing within said facility and providing usable medical marihuana to not more than five (5) qualifying patients registered to each such caregiver.
  - (g) Transfers of medical marihuana from the registered primary caregiver to his or her qualifying patients shall be accomplished only by the delivery of medical marihuana by the primary caregiver at the home of the qualifying patient.
  - (h) Lighting for medical marihuana growing operations shall not be visible from the building exterior.
  - (i) All medical marihuana, whether in plant form, “usable marihuana,” or “edibles” shall be contained within the dwelling within a secure, enclosed, locked facility, accessible only by the registered primary caregiver or registered qualifying patient. The storage facility and marihuana may be subject to inspections from time to time by authorized Township personnel.
  - (j) Medical marihuana growing facilities shall be subject to electrical, mechanical, plumbing and fire department inspections, and issuance of a permit as required by the applicable building and construction codes.
- 2) Confidentiality: Application for permits submitted by a registered caregiver, including information regarding the patient’s primary caregiver, is confidential, to the extent provided by applicable law.

**SECTION III. AMENDMENT OF THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE TO AMEND SECTION 6.7.4 TO MAKE CORRECTION OF A CLERICAL ERROR THAT IMPACTS ALL ZONING DISTRICTS WITHIN THE TOWNSHIP.**

6.7.4. RECONSTRUCTION AND RESTORATION: Any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes, may be restored, rebuilt or repaired, PROVIDED that the damage does not exceed more than eighty-five percent (85) of the real valuation of the building, exclusive of land and foundation, and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

**SECTION IV. AMENDMENT OF THE DELHI CHARTER TOWNSHIP ZONING ORDINANCE TO ADD SUB-SECTION 6.7.11 WHICH STATES THAT COMMERCIAL MEDICAL MARIHUANA FACILITIES OR ACTIVITIES EXISTING IN THE TOWNSHIP PRIOR TO DECEMBER 15, 2017 SHALL NOT BE CONSIDERED LEGAL NON-CONFORMING USES AND TO ADD SUB-SECTION 6.7.12 WHICH STATES THAT PROPERTY OWNERS ENGAGING IN SAME SHALL HAVE NO VESTED RIGHTS OR NONCONFORMING USE RIGHTS. THESE SECTIONS APPLY TO ALL ZONING DISTRICTS WITHIN THE TOWNSHIP.**

6.7.11 MARIHUANA/MARIJUANA. No commercial medical marihuana facility nor commercial medical marihuana activity operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility or use be deemed a legal nonconforming use under this Ordinance. The Township may take all legal measures to abate such activity upon discovery of such activity.

6.7.12 NO VESTED RIGHTS. A property owner shall not have vested rights or nonconforming use rights that would service as a basis for failing to comply with Section 6.7.11 of this Ordinance or any amendment thereto.

**SECTION V. CONTINUED EFFECT OF SECTIONS NOT AMENDED.**

Except as expressly amended herein, all other provisions of the Delhi Charter Township Zoning Ordinance shall remain in effect.

**SECTION VI. SEVERABILITY.**

It is the legislative intent of the Township Board adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the Township and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Delhi Charter Township Board that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

**SECTION VII. EFFECTIVE DATE**

This Ordinance shall become effective seven (7) days after adoption and subsequent publication in a newspaper of general circulation.

A Roll Call Vote was recorded as follows:

Ayes: Lenard, Sweet, Warfield, Brown, Goodrich, Hayhoe, Hope

Nay: None

Absent: None

**MOTION CARRIED**

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John Hayhoe, Supervisor

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Evan Hope, Clerk

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance no. 39.165, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the 16 day of May, 2017, and that the same was posted and published as required by law on the 21, day of May, 2017.

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Evan Hope, Clerk