

**TOWNSHIP OF HOLLY
CODE OF ORDINANCE AMENDMENT
CHAPTER 32 ZONING , ARTICLE I DEFINITIONS
AND NEW ARTICLE - MEDICINAL MARIJUANA**

THE TOWNSHIP OF HOLLY ORDAINS:

It is the intent of this Zoning Ordinance amendment to (a) establish regulations dealing with the use of medicinal marijuana, as allowed by initiated Act 1 of 2008, MCL 333.26421 (the “Act”); (b) protect the public health, safety, and general welfare of the Township by providing standards and regulations for the dispensing of medicinal marijuana while complying with the protections afforded by the Act to individuals who use marijuana in accordance with the Act; and (c) regulate the distribution of marijuana, which is not otherwise regulated by the Act, to address potentially adverse conditions for the Township and its residents, including possible criminal activity, adverse and long term influence on children, danger to law enforcement, and danger to Township residents and other members of the public.

This amendment authorizes certain activities based upon the Act and expressly excludes certain activities. Nothing in this amendment shall be construed as allowing the use or possession, cultivation, growth, or control of marijuana not in strict accordance with the Act. Nothing in this amendment shall be construed to, in any way, supersede, nullify, or provide any immunity from prosecution under federal or state law with regard to the cultivation, distribution, or use of marijuana.

SECTION 1 – CODE AMENDMENTS

1. Section 32.6 of the Code is hereby amended to add the following definitions:

“Act” means Initiated Law of 2008, MCL 333.26421 *et seq* and Michigan Administrative Rules are 333.101 *et seq*, as may be amended or superseded from time to time in the future.

“Dispensary” shall mean a Facility or Premises where Marijuana is grown, cultivated, stored, distributed, or offered for sale to Patients or Caregivers pursuant to the Act.

“Distribute” means the physical transfer of any amount of Marijuana, in any form, by one person to any other person or persons, whether or not any consideration is paid or received.

“Facility” or “Premises” means a free-standing commercial, office, or industrial building having a separate or independent postal address, one single family residence having a separate or independent postal address, or one apartment unit or condominium unit having a separate or independent postal address.

“*Marijuana*” means the substance or materials defined in Section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106, as may be amended or superseded from time to time in the future.

“*Patient*” means a person as defined under MCL 333.26423(h) of the Act.

“*Caregiver*” means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

“*Registry Identification Card*” means the document defined under MCL 333.26423(i) of the Act.

2. A new Section 32.162 is added as follows:

Medicinal Marijuana Regulations.

- (a) The growing, cultivation, and/or use of Marijuana by a single Patient (or by a married couple, both of whom are Patients) in Premises owned or leased by that Patient(s) and for that Patient’s exclusive use, as permitted under the Act, shall not be regulated under this Code.
- (b) Use of a Facility by a single Caregiver to cultivate, use and distribute Marijuana for that Caregiver or that Caregiver’s Patients, as permitted by the Act, shall not be regulated under this Code, except as provided in subsection (d).
- (c) It is a violation of this Code for a Facility or Premises to be used as a Dispensary by more than one Caregiver.
- (d) The cultivation, use and/or distribution of Marijuana by a single Caregiver within a Facility owned or leased by that Caregiver shall be allowed as a permitted principal use in the C1, C2, LI, GI, RM-1, RM-2 and OS zoning districts; and shall be permitted in all other zoning districts as a home occupation, subject to compliance with the Act and compliance with all of the standards of Section 32-141.

SECTION 3 - INVALIDITY

If any word, clause, sentence, paragraph, or section of this Ordinance is held to be unconstitutional, illegal or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective seven (7) days after publication as prescribed by law.

SECTION 5 - REPEALING CLAUSE

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 6 - ADOPTION

At a regular meeting of the Township Board of the Township of Holly held on June 22, 2011 adoption of the foregoing ordinance was moved by S. Ruth and supported by K. Winchester.

Ayes: 4
Nays: 1
Absent: 0

CERTIFICATION

I, duly elected clerk of the Township of Holly, County of Oakland, and State of Michigan, do hereby certify that the foregoing is a true copy of the Holly Township Ordinance Chapter 32 Zoning, Article I Definitions and new Article – Medical Marijuana adopted by the Township Board of Trustees of the Township of Holly at the special meeting held on the 22nd day of June, 2011 at which a quorum was present.

Karin S. Winchester, CMC
Holly Township Clerk
Oakland County, Michigan

Jesse Lambert, Supervisor
Township of Holly
Oakland County, Michigan

