

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO 2015-03**

**AN ORDINANCE AMENDING THE CODIFIED SCIO TOWNSHIP ZONING ORDINANCE BY
INCORPORATING AN AMENDMENT TO CHAPTER 36, NEW SECTION 36-150.**

The Board of Trustees of the Township of Scio hereby ordains:

Sec. 36-5. Definitions

Medical Marihuana Cultivation, Use and Distribution. The following terms associated with Medical Marihuana cultivation, use and distribution as a home occupation (Section 36-100) are defined as follows:

Act means MCL 333.26421, et. seq., and Michigan Administrative Rules, R333.101. et. seq.

Department means the State of Michigan Department of Community Health.

Qualifying patient or patient means a person as defined under MCL 333.26423(h) of the Medical Marihuana Act.

Primary caregiver or caregiver means a person as defined under MCL 333.26423(g), and who has been issued and possesses a Registry Identification Card under the Medical Marihuana Act.

Registry Identification Card means the document defined under MCL 333.26423(i).

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

Distributor means any person, including but not limited to a caregiver, patient or any other person, who engages in any one or more acts of Distribution.

Facility or premises means one (1) premises having a separate or independent postal address.

Marihuana means the substance or material defined in section 7106 of the public health code, 1976 PA 368, MCL 333.7106, et. seq.

Principal residence means the place where a person resides more than half of the calendar year.

Sec. 36-100. Home Occupation.

A. It shall be unlawful for any person, firm, or corporation to establish a home occupation on any property within the township, except in accordance with these regulations. A zoning compliance permit to establish a home occupation shall be required. The owner of the subject property (if different than the applicant) must sign the zoning compliance permit.

B. A Home Occupation shall comply with the requirements set forth in the definition of a Home Occupation found in Section 36-5 of this ordinance and shall further be subject to the following additional requirements:

1. A home occupation shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.

A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.

3. There shall be no outside display of any kind, or any external or visible evidence of the conduct of a home occupation, with the exception of a home occupation sign pursuant to Section 36-370.

4. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation use, shall be prohibited.

C. Medical Marihuana Cultivation, Use and Distribution as a home occupation. In addition to meeting the provisions of Section 36-100(8) above, medical marihuana cultivation, use and distribution as a home occupation shall meet the following provisions.

1. A registered primary caregiver if in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act (MCL 333.26423(d)), and the requirements of this section, shall be allowed as a home occupation. The Township regulations are designed to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization of the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate in a manner that does not conflict with the Act to address issues that would otherwise expose the community and its residents to significant adverse conditions including the uninspected installation of

unlawful plumbing and electrical facilities that create dangerous health, safety, and fire conditions.

Nothing in this ordinance shall grant to any person immunity from criminal prosecution or property forfeiture under state or federal law for growing, selling, consuming, using, distributing, or possessing marihuana in a manner that does not comply with the Act or the General Rules.

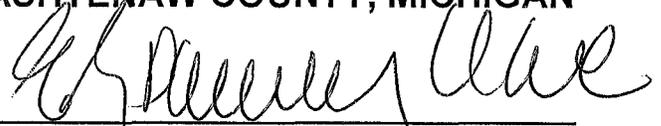
2. The following requirements for a registered primary caregiver shall apply:
 - a) The medical use of marihuana as a home occupation shall comply at all times and in all circumstances with the state Act and the general rules of the Michigan Department of Community Health, as they may be amended from time to time:
 - b) A home occupation related to the cultivation, use, or distribution of medical marijuana shall not be located:
 1. Within a one-thousand (1,000) foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to ensure community compliance with federal "Drug-Free School Zone" requirements.
 2. Within 1,000 feet of an adult use, as defined in Section 36-5.
 3. Within 1,000 feet from the site at which any other caregiver or any other person cultivates marihuana, or assists in the use of marihuana, not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient who resides at such residence.

Measurements for purposes of this sub-section shall be made from property boundary to property boundary.
5. Not more than one (1) caregiver shall be permitted to service qualifying patients at each individual home occupation location. All medical marijuana plants cultivated shall be contained within a fully enclosed legally existing primary or accessory structure and inaccessible on the exterior and accessible only by the registered primary caregiver.
6. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana at each home occupation location.
7. All medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a Facility, and

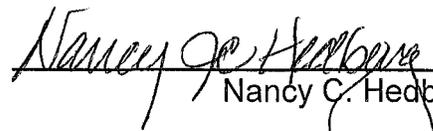
such activities shall not be visible to the public. This sub-section shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.

8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a residential structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
9. Unless the home occupation is conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a "clinic," "hospital," "dispensary," or other name customarily ascribed to a multi-patient professional practice.

**TOWNSHIP OF SCIO,
WASHTENAW COUNTY, MICHIGAN**



E. Spaulding Clark, Supervisor



Nancy C. Hedberg, Clerk

ADOPTED: April 28, 2015

PUBLISHED: June 1, 2015

EFFECTIVE: June 8, 2015

CERTIFICATION:

I, Nancy C. Hedberg, Clerk of the Township of Scio, County of Washtenaw, do hereby certify that the foregoing is a true and complete copy of the Ordinance that is an amendment to the Scio Township Ordinance, adopting a Medical Marihuana Cultivation, Use and Distribution and approved by the Scio Township Board of Trustees on the 28th day of April, 2015, and given publication in the Washtenaw County Legal News, a newspaper of general circulation, on the 1st day of June, 2015.

Ayes: Palmer, Knowles, Hedberg, Green, Clark

Nays: None

Absent: DeLong, Read

In witness hereof, I have hereunto affixed my official seal this 27th d y_of May, 2015.



Nancy C. Hedberg, Clerk