

CLYDE TOWNSHIP, MICHIGAN
MEDICAL MARIJUANA HOME BASED BUSINESSES
ORDINANCE NO. 75

AN ORDINANCE AMENDING CHAPTER 16.29, OF THE TOWNSHIP OF CLYDE'S ZONING ORDINANCE TO REGULATE MEDICAL MARIJUANA HOME BASED BUSINESSES WITHIN THE TOWNSHIP.

THE TOWNSHIP OF CLYDE ORDAINS:

Section 1. 67, Article 2, Section 2.02, Definitions of the Clyde Township Zoning Ordinance is revised to add the following definition:

Medical marijuana home based business means the cultivation, sale and/or transfer of medical marijuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL §333.26423(e). Medical marijuana home based businesses are permitted in the Township only as a special land use on property zoned RA or RSF, that is the registered primary caregiver's primary residence, and which cultivation is in conformity with the restrictions and regulations contained in the Michigan Medical Marijuana Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH) or other agency responsible for developing such regulations, and with all applicable requirements of this Ordinance.

Section 2. Article 16, Section 16.29.1 is adopted and added to the Clyde Township Zoning Ordinance as follows:

Sec. 16.29.1. Medical Marijuana Home Based Businesses

- (a) In addition to the requirements herein applicable to Home Based Business detailed in Section 16.29(A-I), medical marijuana home based businesses must meet the following:
 - (1) The medical use of marijuana must comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

- (2) A registered primary caregiver operating a medical marijuana home based business must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.
- (3) Not more than one registered primary caregiver per parcel may be permitted to grow, sell, transfer or cultivate medical marijuana on such parcel. It is the specific intent that only one registered primary caregiver be allowed to operate a medical marijuana home based business on a parcel.
- (4) Not more than five qualifying patients may be assisted with the medical use of marijuana within any given calendar week.
- (5) All medical marijuana must be contained within an enclosed, locked facility on the parcel.
- (6) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of medical marijuana are located. Provided, no medical marijuana home based business shall be operated on a parcel which receives electrical service exceeding 400 amps.
- (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- (8) That portion of a building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Township to ensure compliance with the Michigan fire protection code.
- (9) The premises must be open for inspection upon request by the building official, the fire department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- (10) No medical marijuana home based business may be operated in such a manner as to create noise, fumes or odors that are detectable

to a reasonable person outside the boundaries of the parcel where the medical marihuana home based business is operated nor in such manner such as to constitute a nuisance.

- (11) Operators of a medical marijuana home based businesses shall make arrangements to privately dispose of all unused portions of marihuana plants separate from usual residential waste and garbage. Unused portions of marihuana plants may not be placed at the curb or otherwise left unattended for disposal. Unused portions of marihuana plans shall not be disposed of by burning.
- (12) Truthfully complete an application approved by Township and provide all information and documents requested with such application.

(b) A person or entity operating a medical marijuana home based business in violation of any of the provisions and/or a property owner allowing a medical marijuana home based business to operate in violation of this Ordinance shall be responsible for a municipal civil infraction subject to the fines detailed in Article 26, Section 26 Enforcement, Penalties and other Remedies. Additionally, any building, structure, or property where a medical marijuana home based business is operated in violation of this Ordinance shall be considered a public nuisance per se and such nuisance may be abated by order of a court of competent jurisdiction.

Section 3. Repealer

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. October 18, 2021 Effective date.