

**RAY TOWNSHIP
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 36

AMENDMENT OF THE RAY TOWNSHIP ZONING ORDINANCE

TITLE

AN ORDINANCE amending the Ray Township Zoning Ordinance, being Ordinance No. 36, as amended, to provide that medical marijuana caregivers may operate in the I-1 Industrial Zoning District, establish regulations for such operations and repeal any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY,
MACOMB COUNTY, MICHIGAN, ORDAINS:**

SECTION 1 - AMENDMENTS

Subsection 1.1. Section 3001 (Definitions) shall have the following definitions added thereto:

MMMA. The Michigan Medical Marijuana Act, MCL 333.26421 et seq., as amended.

Registered primary care giver. A person meeting the definition of caregiver under the MMMA and who has been issued and possesses a registry identification card and possesses the documentation that constitutes a valid registry under the MMMA.

Marijuana. Marijuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Medical use. The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, transportation of marijuana, marijuana infused products or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition, or symptoms associated with the debilitating medical condition, as further defined under the MMMA.

Registered qualifying patient. A person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a registry identification card which is valid under the MMMA, as amended.

Enclosed locked facility. A closet, room or other comparable stationary and fully enclosed area equipped with secure locks or other functioning security devices that permit access only by a registered primary care giver, or registered qualifying patient.

Transfer. To convey, sell, give, deliver or allow the possession by another person or entity.

Subsection 1.2. Section 211 (Medical Marijuana Uses), Paragraph A (Intent) shall have the following added thereto:

6. This Section is intended to protect and preserve the public health, safety and welfare of the community, the quality of life and the stability of property values including but not limited to the value of residential, commercial, and industrial districts.

7. This Section is intended to prohibit a caregiver's cultivation of marijuana in residential and commercial districts in order to protect and preserve peace, order, property and safety of persons as a result of issues associated with the growth of marijuana in residential and commercial districts including problems with insufficient or improper electrical supply, problems with ventilation leading to mold, offensive odors, or other health hazards and other hazards which are associated with the cultivation of marijuana in residential and commercial settings and which is otherwise often difficult to detect and regulate.

Subsection 1.3. Section 211 (Medical Marijuana Uses), Paragraph C (Registered Primary Caregiver) shall be repealed and the following substituted therefor:

C. Registered Primary Caregiver Operations. Any registered primary caregiver may acquire, possess, cultivate, manufacture, transfer, or transport medical marijuana compliant with the MMMA. Cultivation of medical Marijuana by a registered primary caregiver as defined under the MMMA, is prohibited in any zoning district, except the I-1 Industrial District; and further subject to the following:

1. A registered primary caregiver may only grow, cultivate, manufacture, process, and store marijuana on a parcel in the I-1 Industrial District and in an enclosed locked facility.
2. The registered primary caregiver is responsible for utilizing an enclosed locked facility upon the industrial zoned parcel, compliant with the MMMA for cultivating, growing, manufacturing, processing, and storing marijuana for medical use only. The enclosed locked facility utilized by the primary registered caregiver, shall provide separation by fully enclosed walls or fences, for plants that are grown on behalf of each registered qualifying patient, on whose behalf the registered primary caregiver is furnishing marijuana for medical use, so it is accessible only to the primary caregiver and registered patient. The processing and storing of medical marijuana is permitted only by registered primary caregivers and their registered qualifying patients. The registered primary caregiver may grow up to a maximum of 72 plants, but no more than 12 plants for each individual registered qualifying patient as set forth in the MMMA.
3. The registered primary caregiver is responsible for providing the security

necessary to assure that the growing marijuana and usable product are accessible only by the primary registered caregiver and/or registered qualifying patients who are registered to the registered primary caregiver through the state registration system. The security must fully comply with the provisions of the MMMA, and Administrative Rules promulgated by the State of Michigan.

4. Each parcel upon which enclosed locked facilities with marijuana for medical use are present, must be a minimum of 500 feet from any parcel upon which any school, school facility, child care facility, place of worship, or public park is situated. Measurement of the buffer shall be from property line to property line.
5. A Certificate of Occupancy is required and must be obtained from the Township before the presence of marijuana is allowed on the parcel.
6. The consumption, transfer, or use of marijuana, in public, or a place opened to the public is prohibited.
7. 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.

D. Certificate Required. The operations of a registered primary caregiver within the I-1 Industrial District shall only be permitted upon the issuance of a **Zoning Certificate to Cultivate Medical Marijuana**. Such certificate is required to be renewed annually and is subject to inspections by the building and fire department as well as the Macomb County Sheriff's Department for compliance with the provisions of this Ordinance and for the issuance of the certificate and its renewals.

1. A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be in an amount determined by resolution of the Township Board.
2. The certificate application shall include the name and address of the applicant; the address of the property; a copy of the current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The Township Supervisor, Building Official and Planning Consultant shall review the application to determine compliance with this Ordinance, the MMMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with the Zoning Ordinance, the MMMA and Administrative Rules.
3. The use shall be maintained in compliance with the requirements of this Ordinance, the MMMA and Administrative Rules promulgated by the State of

Michigan. Any departure shall be grounds to revoke the certificate and take other lawful action. If a certificate is revoked, the applicant shall not engage in the activity unless and until a new Zoning Authorization to Cultivate Medical Marijuana certificate is granted.

4. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

Subsection 1.4. Section 1601 (Principle Uses Permitted) shall have the following added thereto:

H. Registered Primary Caregivers.

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 Amendment or the text of the Ordinance Amendment shall be published in a newspaper of general circulation in the Township of Ray, within fifteen (15) days after its adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance Amendment shall take effect seven (7) days after publication as set forth 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 Ray, Macomb County, Michigan, at a meeting held on the 17th day of August, 2021.

I hereby further certify that the following Township Board members were present at the meeting: Jarzyna, Lascoe, Bart, Grader and Stier and the following Township Board Members were absent: None.

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

I further certify that the following Ray Township Board Members voted for the adoption of the Ordinance Amendment:

and that the following Ray Township Board members voted against adoption of the Ordinance Amendment: None.

Lori R. Lascoe,
Ray Township Clerk

CERTIFICATE OF PUBLICATION

I, Lori Lascoe, the Township Clerk of the Township of Ray do hereby certify that on August 25, 2021, the foregoing Ordinance Amendment or a Notice of Ordinance Adoption was published in The Record Newspaper, a newspaper of general circulation in the Township of Ray.

Lori Lascoe,
Ray Township Clerk