

TOWNSHIP OF LAPEER
PROPOSED ZONING ORDINANCE AMENDMENT
PUBLIC HEARING

Please be notified that there will be a public hearing at a meeting of the Lapeer Township Planning Commission on Monday July 19, 2010. The meeting begins at 7:30 p.m. at the Lapeer Township Offices and Community Building, 1500 Morris Road, Lapeer, Michigan.

Ordinance amendments to the Lapeer Township Zoning Ordinance as follows are proposed:

Add

Section 1.40 Medical Marijuana Uses.

The proposed ordinance amendment addresses the intent of the State of Michigan referendum; Medical Marijuana Dispensaries, Compassion Centers or other similar operation for the consumption of medicinal marijuana; Registered Primary Caregiver; and definitions.

You are invited to attend the public hearing and make comments on the ordinance amendment. If you are unable to attend the hearing, written comments may be mailed or brought to the Township offices during office hours. Written comments must be received by 3:00 p.m. on the day of the hearing to be considered. A full copy of the ordinance amendment is available at the Lapeer Township offices or at <http://lapeertownship.org>. If you have any questions, you may contact the Township Offices during regular business hours at 810-664-3700.

Dawn M. Walker, CMC
Lapeer Township Clerk

Section 1.40 Medical Marijuana Uses.

1. Intent
 - a. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.
 - b. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
 - c. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
 - d. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and / or activity and this threat affects the health, safety and welfare of the residents of Lapeer Township.
 - e. It is the intention of Lapeer Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to cultivation / growing, distribution or consumption of marijuana that is otherwise illegal.
2. *Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption of medicinal marijuana.* It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, or other similar operation in Lapeer Township.
3. *Registered Primary Caregiver.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this section, shall be permitted to grow marijuana as a home occupation subject to the applicable provisions of Section 8.00(7). Nothing in the section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting,

immunity from criminal prosecution under Federal Law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marijuana shall 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;
- b. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including child care or day care facilities operated by a school, to insure community compliance with Federal "Drug-Free School Zone" requirements;
- c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a single parcel;
- d. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
- e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;
- f. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lapeer Township Fire Code Official to insure compliance with the Michigan Fire Protection Code.

Definitions

Medical Marijuana Dispensary, Compassion Center or similar operation for the consumption of medicinal marijuana is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five (5) qualified patients.