

TOWNSHIP OF SANILAC

ORDINANCE No. 2022-01

AN ORDINANCE TO AMEND THE SANILAC TOWNSHIP ZONING ORDINANCE TO ADD SECTION 5.6.1 TO PERMIT AND REGULATE THE MEDICAL USE OF MARIJUANA AS A HOME OCCUPATION, TO PROVIDE FOR A REVOCATION OF A CERTIFICATE OF ZONING COMPLIANCE FOR A VIOLATION, TO PROVIDE FOR SEVERABILITY, AND TO PROVIDE AN EFFECTIVE DATE.

SANILAC TOWNSHIP ORDAINS:

5.6.1 MEDICAL USE OF MARIJUANA AS A HOME OCCUPATION

(a) FINDINGS. Sanilac Township determines that a duly licensed registered primary caregiver operating in compliance with the Michigan Medical Marijuana Act (“MMMA”), MCL 333.26421 et. Seq., the Medical Marijuana Facilities Licensing Act (MMFLA”), MCL 333.2701 et. Seq., and any rules promulgated pursuant to said acts as they now exist or may be amended in the future should be allowed as a home occupation pursuant to the general provisions applicable to home occupations contained in the Sanilac township Zoning Ordinance and the specific provisions contained in this section. It is the intent of this section to allow the acquisition, possession, cultivation, use, delivery, and distribution of marijuana and marijuana infused products to treat or alleviate a debilitating medical condition on property located in Sanilac Township only in complete compliance with the provisions of the MMMA, MMFLA, and rules promulgated pursuant to said statutes as they currently exist or may be amended in the future.

(b) DEFINITIONS. Any terms used in this section that are also used in the MMMA, MMFLA or any rules promulgated pursuant to those statutes as they currently exist or may be amended in the future shall have the same meanings ascribed to them in said statutes or rules.

(c) PROHIBITED CONDUCT. No property in Sanilac Township shall be used for the acquisition, possession, cultivation, use, delivery or distribution of marijuana or a marijuana infused product except in complete compliance with the provisions of the MMMA, MMFLA, and any rules promulgated pursuant to said statutes as they now exist or may be amended in the future and a certificate of zoning compliance issues pursuant to the provisions of this ordinance. The provisions of this ordinance do not apply to the personal use and/or possession of marijuana or marijuana infused products by a qualifying patient in accordance with the MMMA, MMFLA, or the rules promulgated pursuant to said statutes as they currently exist or may be amended in the future.

(d) STANDARDS AND REQUIREMENTS. In addition to all applicable standards and requirements set forth in this ordinance the property subject to an application for certificate of zoning compliance pursuant to this section shall meet the following additional standards and requirements:

1) The site plan required pursuant to Section 3.3b shall contain the following additional information:

- i. The name, address, and telephone number of all owners of the property subject to the application.
- ii. A copy of the deed, land contract, or other documents creating the ownership interest of the applicant.
- iii. If the property which is the subject of the application is not or will not be owner occupied, the name, address, and telephone number of any occupant and a copy of any lease or other document on which the occupancy is or will be based.
- iv. A copy of any license and/or registration issued by the State of Michigan to the primary caregiver. If the issuance of a license or registration is contingent upon the issuance of a certificate of zoning compliance the applicant shall provide a copy of the application for the license and/or registration. A certificate of zoning compliance may be issued contingent upon receipt of said documents but no use pursuant to this section shall commence until a copy of the license and/or registration is filed with the zoning administrator.
- v. The name, address, and telephone number of each qualifying patient and a copy of all authorizations issued to said qualifying patient pursuant to the MMMA, MMFLA, and/or rules promulgated pursuant to said statutes as they currently exist or may be amended in the future.
- vi. Complete plans for the enclosed locked facility required for the cultivation and storage of marijuana and/or marijuana infused products including its size, location, type of materials used, methods for security, and methods for odor control.

2) In addition to the requirements established in Section 5.6 of this ordinance the following requirements shall apply:

- i. Any change in the information required in the application for certificate of zoning compliance, including and documents required, shall be reported/submitted within 7 days of said change.
- ii. No use pursuant to this section shall commence until all applicable building, electrical, plumbing, and mechanical requirements have been satisfied.
- iii. There shall be no more that 2 primary caregivers for any property and all primary caregivers must use the property as their primary residence.
- iv. No marijuana or marijuana infused product may be smoked, consumed, or otherwise used on the premises by anyone other than a

primary resident of the who is not otherwise prohibited from doing so by the laws of the State of Michigan.

- v. Nor articles used for smoking, consuming, or otherwise using marijuana and/or marijuana infused products may be displayed, delivered, or sold on the property.
- vi. The property shall be available for inspection for compliance with the provisions of this ordinance at reasonable times and upon reasonable notice.

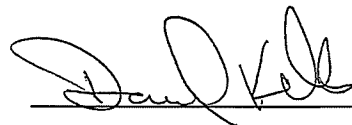
(e) **REVOCATION OF CERTIFICATE OF ZONING COMPLIANCE.** Any certificate of zoning compliance issued pursuant to this section shall be revoked upon a violation of any of the provisions contained in the Sanilac Township Zoning Ordinance. If a certificate of zoning compliance is revoked the use of the property pursuant to the terms of this section shall not recommence until a new application is filed and a new certificate of zoning compliance is issued.

(f) **SEVERABILITY.** Any section of this ordinance being held invalid as to any property, person, or circumstance shall not affect the application of any other section of this ordinance that can be given full effect without the invalid section of application.

(g) **EFFECTIVE DATE.** This ordinance shall take effect 30 days after publication.

MOTION AND VOTE

Moved by Suzanne Shegna, Seconded by Dru Morn
Yeas: Lynn, Morn, Kelly, Shegna and Nolle
Nays: None
Absent: None
Abstained: None
Motion was passed.



Daniel Kelly, Supervisor