

**DALLAS TOWNSHIP  
CLINTON COUNTY, MICHIGAN  
ZONING ORDINANCE #12  
AMENDING TOWNSHIP ZONING ORDINANCE NO. 10**

At a regular meeting of the Township Board of Dallas Township, Clinton County, Michigan, held at the Dallas Township Hall on November 13, 2018, at 7:00 p.m., Township Board Member Therese Koenigsknecht moved to adopt the following ordinance, which motion was seconded by Township Board Member Ann. Schafer:

*An ordinance to amend the Dallas Township Zoning Ordinance to regulate the cultivation, distribution, and use of Medical Marihuana permitted under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (MMMA) in order to maintain the public health, safety, and welfare of the residents and visitors to Dallas Township.*

**THE TOWNSHIP OF DALLAS ORDAINS:**

**Section I. Amendment of Article 2, Section 2.02- Definitions:** The Dallas Township Zoning Ordinance, Article 2, Section 2.02- Definitions, shall be amended to add definitions of "Enclosed, Locked Facility," "Marihuana," "Medical Marihuana," "Primary Caregiver," "Primary Caregiver Facility," "Qualifying Medical Marihuana Patient," and "Usable Marihuana" and shall read as follows:

**Section 2.02 — Definitions:** For the purposes of this Ordinance, the following words have the definitions indicated:

**ENCLOSED, LOCKED FACILITY:** That term as defined in MCL 333.26423(d).

**MARIHUANA:** That term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

**MEDICAL MARIHUANA:** That term as defined in MCL 333.26423.

**PRIMARY CAREGIVER:** A person qualified under MCL 333.26423 (k), and the rules promulgated therefore by the Department of Community Health, R 333.101 et seq., including, but not limited to possession of a valid, unexpired registry identification card, to assist with a Qualifying Medical Marihuana Patient's medical use of Marihuana, and authorized under the MMMA to operate as a Primary Caregiver.

**PRIMARY CAREGIVER FACILITY:** A location where a Primary Caregiver can lawfully operate as permitted by the MMMA and this Ordinance. A Primary Caregiver Facility is not a "Marihuana Facility" as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27102(j).



**QUALIFYING MEDICAL MARIHUANA PATIENT:** means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26423.

**USABLE MARIHUANA:** Dried leaves, flowers, plant resin, or extract of the marihuana plant, but does not include the seeds, stalks, and roots of a marihuana plant.

**Section II. Amendment of Article 4, Section 4.02- Permitted Uses and Structures:** The Dallas Township Zoning Ordinance shall be amended to include “Qualifying Medical Marihuana Patient” as a principal permitted use in District R-1, Residential, which shall read as follows:

**Section 4.02 — Permitted Uses and Structures:** Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. Family Day Care Home.
- D. Home Occupations.
- E. Non-Commercial WECS.
- F. Non-Commercial Solar Energy System.
- G. Qualifying Medical Marihuana Patient.

2. Uses Permitted by Special Use Permit

- A. Public and private schools and other educational institutions.
- B. Community and publicly owned and operated buildings and facilities.
- C. Places of worship.
- D. Pond.
- E. Child Care Center.
- F. Planned Unit Development (PUD).
- G. Public utility substations and buildings.

**Section III. Amendment of Article 5, Section 5.02- Permitted Uses and Structures:** The Dallas Township Zoning Ordinance, Article 5, Section 5.02- Permitted Uses and Structures, shall be amended to include “Qualifying Medical Marihuana Patient” as a principal permitted use and “Primary Caregiver Facility” as a use permitted by special use permit in District A, Agricultural, which shall read as follows:

**Section 5.02 — Permitted Uses and Structures:** Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures

- A. Single-family dwelling.



- B. Two-family dwelling.
- C. Farms.
- D. Community and publicly owned and operated buildings and facilities.
- E. Home Occupation.
- F. Non-Commercial WECS.
- G. Non-Commercial Solar Energy System.
- H. Qualifying Medical Marihuana Patient.

2. Uses Permitted by Special Use Permit:

- A. Mining.
- B. Race track.
- C. Shooting Range.
- D. Junk yard and used auto parts dealers.
- E. Transient and amusement enterprises.
- F. Public utility substations and buildings.
- G. Wireless communication facilities and support structures
- H. Airport.
- I. Kennel.
- J. Ponds.
- K. Additional one story family dwelling for use by temporary farm help.
- L. Planned Unit Development (PUD).
- M. Multi-family dwelling.
- N. Family Day Care Home.
- O. Child Care Center.
- P. Group Day Care Home.
- Q. Campground.
- R. Tourist homes and rooming houses.
- S. Commercial Solar Energy System.
- T. Primary Caregiver Facility

**Section IV. Amendment of Article 10, Supplemental Regulations:** Article 10 of the Dallas Township Zoning Ordinance shall be amended to include the newly created Section 10.18 entitled "Medical Marihuana Use and Operation for Caregivers and Patients."

**Section 10.18 — Medical Marihuana Use and Operation for Caregivers and Patients**

1. **Intent and Purpose:** It is the intent of this Section to set forth the provisions that will regulate the permitted locations for the cultivation and use of Medical Marihuana by Primary Caregivers and Qualifying Medical Marihuana Patients in the Township. This Section authorizes only Primary Caregivers and Qualifying Medical Marihuana Patients as permitted to use medical marihuana pursuant to the MMMA. This Section does not authorize any other type of medical marihuana facility or use to operate within the Township, including those marihuana facilities created pursuant to the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, or similar law.

2. **Operation Requirements – Primary Caregiver Facilities**



- a. Scope of Primary Caregiver Facility. Only one (1) Primary Caregiver is permitted to operate within any Primary Caregiver Facility.
- b. Required spacing. A Primary Caregiver Facility shall not be within one-thousand (1,000) feet from any school, church, house of worship or other religious facility, public or private park, or other place of public assembly with the minimum distance between uses measured horizontally between the nearest points of each property line.
- c. Required Documentation. A Primary Caregiver growing Medical Marihuana at a Primary Caregiver Facility must provide or otherwise make available proof of the Primary Caregiver's valid, unexpired registry identification card(s) when submitting a special use permit application. For safety and other code inspection purposes, the special use permit application shall describe and provide detailed specifications of all lights, equipment, electrical, plumbing, heating, cooling, ventilation and other means proposed to be used to facilitate the cultivation of Marihuana plants.
- d. Amount of Marihuana. The amount of Marihuana on the property and under the control of the Primary Caregiver operating the Primary Caregiver Facility may be no more than twelve (12) Marihuana plants and no more than 2.5 ounces of Usable Marihuana per Qualifying Medical Marihuana Patient to whom the Primary Caregiver is lawfully connected, up to a maximum of five (5) Qualifying Medical Marihuana Patients, sixty (60) Marihuana plants and 12.5 ounces of Usable Marihuana per Caregiver. A Primary Caregiver who is also registered as a Qualifying Medical Marihuana Patient may grow an additional 12 Marihuana plants and maintain 2.5 ounces of Usable Marihuana for him or herself. The Primary Caregiver operating the Primary Caregiver Facility must specify the name and address of the place where all portions exceeding the amount permitted by law shall be disposed.
- e. Storage of Marihuana. All Marihuana must be contained within a separate enclosed, locked facility for each Qualifying Medical Marihuana Patient to whom the Primary Caregiver is lawfully connected, in accordance with the MMMA, MCL 333.26421, *et seq.* The Primary Caregiver Facility shall have secure windows and doors and the Primary Caregiver shall implement security measures to prevent theft of stored Marihuana.
- f. Use of Marihuana. Smoking or consumption of controlled substances, including Marihuana, shall be prohibited on the site of the Primary Caregiver Facility.
- g. Minimizing Impact of Operation. The Primary Caregiver Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Primary Caregiver Facility.



- h. Unpermitted growing. A Qualifying Medical Marihuana Patient may not grow his or her own Marihuana at a Primary Caregiver Facility, except as provided in Section 10.02(4).
- i. Permits. A Primary Caregiver Facility must obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of Marihuana are located.
- j. Distribution of Marihuana. No person operating a Primary Caregiver Facility shall provide or otherwise make available Medical Marihuana to any person who is not a Qualifying Medical Marihuana Patient legally connected to that Primary Caregiver.
- k. Inspections. Primary Caregiver Facilities are subject to random and unannounced examinations of the Primary Caregiver Facility and all articles of property in that facility at any time to ensure compliance with this Ordinance, any other local regulations, and state law.

3. **Medical Marihuana Use and Cultivation by Qualifying Medical Marihuana Patients**

- a. Scope of Medical Marihuana Use and Cultivation by Qualifying Medical Marihuana Patients. To the extent that it is otherwise lawful, the use and cultivation of Medical Marihuana by a Qualifying Medical Marihuana Patient is permitted only in the Qualifying Medical Marihuana Patient's personal residence where the Qualifying Medical Marihuana Patient resides, subject to the standards set forth in this Section, and compliance with the MMMA, rules promulgated by the State, and any other applicable local regulations or ordinances as amended from time to time.
- b. Restrictions on Qualifying Medical Marihuana Patients. A Qualifying Medical Marihuana Patient may cultivate no more than twelve (12) Marihuana plants in compliance with the MMMA in the Qualifying Medical Marihuana Patient's own personal residence where that Qualifying Medical Marihuana Patient resides.
- c. General Standards for Medical Marihuana Cultivated or Manufactured at Patient's Residence.
  - i. Secondary use. Any activity or use related to Medical Marihuana use or cultivation under the MMMA and this Ordinance must be a clearly incidental and secondary use of the Qualifying Medical Marihuana Patient's personal residence and shall not alter the exterior of the property or affect the residential character of the neighborhood. Interior alterations to the Patient's personal residence shall comply with all building codes and shall not alter the residential character of the Qualifying Medical Marihuana Patient's personal residence.



- ii. Amount of Marihuana. The amount of Marihuana located at or on any Qualifying Medical Marihuana Patient's personal residence shall not exceed twelve (12) Marihuana plants and 2.5 ounces of Usable Marihuana for each Qualifying Medical Marihuana Patient residing in the residence.
- iii. Permits. In accordance with the building code, all necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure altered for cultivation, growing, or harvesting of Marihuana, including changes to electrical wiring, lighting, plumbing, heating, cooling, ventilation, or watering devices.
- iv. Cultivating Marihuana. All cultivating and manufacturing of Marihuana must take place in an Enclosed, Locked Facility. If the area used for the cultivating or manufacturing of Marihuana has windows or is open, no light may spill out and cause a distraction for adjacent residential properties during the hours of 8:00 p.m. to 8:00 a.m.

**Section V. Severability.** The provisions of this Ordinance are declared severable. If any provisions of this Ordinance or part thereof is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**Section VI. Effective Date.** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

**Section VII. Repeal.** All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: A. Schafer; E. Marvel; T. Koenigsknecht; V. Feldpausch

NAYS: None

ABSENT/ABSTAIN S. Schafer (absent)

ORDINANCE DECLARED ADOPTED.

A handwritten signature in cursive script, appearing to read "Vern Feldpausch", is written over a horizontal line.

Vern Feldpausch, Dallas Township Supervisor

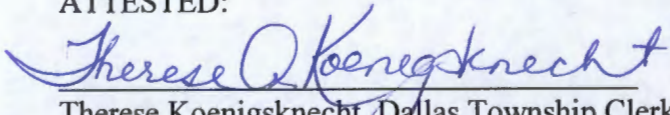


### CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Dallas Township Board at a duly scheduled and noticed meeting of that Township Board held on November 13, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Clinton County newspaper, a newspaper that circulates within Dallas Township, on November 25, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Clinton County Clerk on November 19, 2018.

ATTESTED:

  
Therese Koenigsknecht, Dallas Township Clerk

