**Amendment 30-97**

 **Casco Township Zoning Ordinance**

**Section 13.31 – Medical Marijuana Caregivers**

1. The acquisition, possession, cultivation, use, delivery, or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana Act MCL 333.26421, *et seq.*, MMMA Administrative Rules and applicable provisions of the Casco Township Zoning Ordinance.
2. A registered primary caregiver, operating in compliance with the MMMA, MMMA Administrative Rules, and the requirements of the Zoning Ordinance, shall be permitted as a home occupation, as regulated by this Section. The Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
3. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
4. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
5. The MMMA’s definition of “medical use” of marijuana includes the “transfer” of marijuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, but only if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA Administrative Rules.
6. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
7. The MMMA does not create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.

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1. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical use of marijuana in a residential setting, without having to unnecessarily travel into commercial areas. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA’s purpose of ensuring that:
2. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver.
3. The medical use of marijuana shall comply at all times with the MMMA and the MMMA Administrative Rules, as amended.
4. No patients to whom the primary caregiver is not connected through the Michigan Department of Community Health registration system shall be permitted to visit the home as a customer. No other patients to whom the primary caregiver is not connected through the Michigan Department of Community Health registration system are allowed to purchase or receive medical marijuana at the home, nor are any patient to patient transfers of any kind allowed at the home except between the primary caregiver and the patients connected to the primary caregiver.
5. Not more than one registered primary caregiver, who shall also be a full-time resident of the dwelling, shall be permitted to operate at the property.
6. The medical use of marijuana shall be conducted entirely within the principal dwelling or attached garage; except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
7. The maximum area devoted to the grow operation shall not exceed 30% of the square footage of the structure.
8. The registered primary caregiver may cultivate marijuana for compensation, for up to 5 patients, plus themselves, to whom the primary caregiver is connected through the Michigan Department of Community Health registration system.
9. No signage identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

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1. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a residential dwelling shall be permitted.
2. No one under 18 years of age shall have access to medical marijuana.
3. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
4. Medical marijuana shall not be grown, processed, handled, or possessed at the dwelling of the primary caregiver beyond that which is permitted by Michigan statutory law.
5. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential
6. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
7. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the building official or other authorized official.
8. 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 cultivation, growing or harvesting of marijuana are located.
9. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the building official or law enforcement official.
10. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
11. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township Home Occupation permit, in accordance with Section 13.23.

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1. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
2. The permit application shall include the name and address of the applicant that will be residing on the property; the address of the property; a 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 Building Official shall review the application to determine compliance with this Ordinance, the MMMA and the MMMA Administrative Rules. A permit shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and the MMMA Administrative Rules.
3. The use shall be maintained in compliance with the requirements of this Section, the MMMA, and the MMMA Administrative Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit 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.
5. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the Township, even if such use is intended for the medical use of marijuana.
6. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this Section; however, all applicable state and Township ordinance requirements must be met.
7. The provisions of this Section do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

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**Certification by Township Clerk**

I hereby certify that the preceding Casco Township Zoning Ordinance Amendment No. 30-96, was duly adopted by the Casco Township Board at a regular meeting held on the 13th day of October 2020, and was ordered published by the Casco Township Board.

Motion by Stevens, support by Goulston, to approve Amendment 30-97 of the Casco Township Zoning Ordinance, pertaining to Section 13.31, Medical Marijuana Caregivers

Ayes: Stevens, Goulston, Andersen, Allagreen, Stover

Motion Approved

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**Jennifer A. Andersen, Township Clerk**

**Township of Casco**

Published in The Voice Newspaper

Publication Date: October 21, 2020

This Zoning Ordinance Amendment No. 30-97 will take effect seven (7) days after publication. Furthermore, a copy of the Amendment may be obtained or inspected, during regular business hours at the Casco Township Hall at 4512 Meldrum Road, Casco, Michigan, 48064.