

HAZELTON TOWNSHIP

Ordinance No. 2024-3

ORDINANCE PROHIBITING ADULT-USE MARIHUANA ESTABLISHMENTS UNDER INITIATED LAW 1 OF 2018, THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, AND MEDICAL MARIHUANA FACILITIES UNDER THE MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ACT.

THE TOWNSHIP OF HAZELTON ORDAINS:

Section 1 — Prohibition of Marihuana Establishments and Facilities

Pursuant to Section 6 of Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), the Township prohibits adult-use marihuana establishments within its boundaries.

Pursuant to the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (“MMFLA”), the Township prohibits medical marihuana facilities within its boundaries.

Section 2 — Marihuana Caregivers

a. Definition: Marihuana home occupation means the cultivation of medical marihuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), in compliance with the General Rules of the Michigan Department of Community Health; the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.26423(e); within a single-family dwelling that is the registered primary caregiver’s primary residence, and which cultivation is in conformity with the restrictions and regulations contained in the Michigan Medical Marihuana Act and in the state regulations developed by the Michigan Department of Community Health (MDCH) or other agency responsible for developing such regulations.

b. The cultivation of medical marihuana by a primary caregiver is prohibited within the Township except as permitted by this section.

c. Regulations:

1. The cultivation of medical marihuana within the Township requires a medical marihuana home occupation permit. An application for said permit shall be made in writing to the Zoning Administrator and shall include a permit fee in the amount of \$500. The Township Board may, by resolution, adjust the permit fee on an annual basis.
2. All caregivers cultivating marihuana must reside on the property where the marihuana is being cultivated.
3. The medical use of marihuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
4. A registered primary caregiver operating a medical marihuana home occupation must not be located within 1,000 feet of a school or child-care facility, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school or child-care facility is located.

5. Not more than one primary caregiver per parcel may be permitted to grow or cultivate medical marihuana.
6. Not more than five qualifying patients may be assisted with the medical use of marihuana within any given calendar week.
7. All medical marihuana must be contained within an enclosed, locked facility inside the primary residence on the parcel.
8. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
9. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
10. That portion of the building 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 must be subject to inspection and approval by the Hazelton Township Fire Department to ensure compliance with the Michigan fire protection code.
11. The premises must be open for inspection upon request by the Zoning Administrator, the Hazelton Township Fire Department, and the Shiawassee County Sheriff's Department for compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises.
12. Medical marihuana home occupations are permitted only in single-family dwelling units and not in any multi-family or multi-unit dwellings.

Section 3 — Scope

Nothing in this Ordinance shall be construed to prohibit activities that are permitted under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.

Section 4 — Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5 — Repealer Clause

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 6 — Effective Date

This Ordinance shall take effect immediately upon publication.