

## ATTENTION RAISIN CHARTER TOWNSHIP RESIDENTS

Raisin Charter Township has approved text changes to the Home Occupation Ordinance (Article 2, Section 2.20.42.1, Subsections L7, L8, and L9). The proposed changes are an attempt to comply with a recent legal ruling and will simply allow for the “medical marijuana home occupation” use to be contained in an enclosed and locked facility, regardless of whether it is located in the primary dwelling or an accessory structure.

### RAISIN CHARTER TOWNSHIP ORDAINS: ARTICLE 2, SECTION 2.20.42.1 HOME OCCUPATION

An incidental and secondary use of a dwelling unit for business purposes. A Home Occupation Permit must be applied for. It is a permitted use in the A-1, AE, R-1 and RM-1 zoning districts when it meets the following standards.

- A.** Home occupations shall be conducted solely by persons residing at the residence, except as provided for in section L.
- B.** All business activity and storage must take place within the interior of the dwelling / accessory building, except as provided for in Subsection L.
- C.** No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- D.** The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that generated by homes in the residential or agricultural neighborhood.
- E.** Only a personal driveway may be used and there shall be no additional parking spaces.
- F.** At no time shall the number of vehicles on the property impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- G.** A sign announcing a home occupation shall be permitted as follows:
  - 1. In the agricultural zoning district a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
  - 2. In any residential zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet. Further, the sign shall be positioned flat against the front of the building.
  - 3. No sign shall be allowed as provided for in subsection L.
- H.** No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupations.
- I.** No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible

interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.

**J.** Hazards of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Home occupations shall be required to conform with current fire and life safety codes as adopted by the Township. Additionally, any processes, uses, or quantities deemed hazardous by the authority having jurisdiction shall not be allowed.

**K.** The conduct of the home occupation shall not violate any of the Township Ordinances concerning nuisance, fire or health, or any other Township, County, State or other applicable laws or regulations.

Examples of Home Occupation: This is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

1. Dressmaking
2. Handicrafts
3. Typing, secretarial services
4. Tutoring, limited to six (6) students.
5. Office facility of a sales representative provided that no transactions are made in person on the premises.

**L.** Medical Marihuana – A primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act MCL 333.26421, et.seq., and the requirements of this Section, shall only be allowed as a Home Occupation. The following requirements for a primary caregiver as a Home Occupation shall apply:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (“MMMA”) and the General Rules of the Michigan Department of Community Health, (“General Rules”) as they may be amended from time to time.
2. The provisions of this subsection do not apply to a primary caregiver who only assists a qualifying patient who is a member of the primary caregiver’s household and whose residence is shared with the primary caregiver.
3. A primary caregiver must be located outside of a one-thousand (1,000) foot radius from the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college or university or a playground, or housing facility owned by a public housing authority, nor within one-thousand (1,000) feet of a public or private youth center, public swimming pool, video arcade facility, childcare or daycare to insure community compliance with Federal “Drug-Free School Zone” requirements.
4. Not more than one (1) primary caregiver shall be permitted to assist qualifying patients who do not reside with the primary caregiver within a single dwelling unit.
5. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within a single dwelling unit within any given calendar week.

6. If the primary caregiver is not the owner of the premises, then either notarized, written consent must be obtained from the property owner to ensure the owner's knowledge of the use of the premises as permitted by this subsection or the primary caregiver shall maintain notarized, written proof that the use of the property as a Home Occupation under this section is not prohibited by the property owner.

7. All medical marihuana shall be contained 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, pursuant to the MMMA and as reviewed and approved by the Building Official and the Raisin Township Police and Fire Department.

8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a structure in which electrical wiring, lighting, and / or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.

9. That portion of a 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 Raisin Charter Township Fire Department to insure compliance with the Michigan Fire Protection Code;

10. If a room with a window is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 pm to 7:00 am 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 properties;

11. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the MMMA and the General Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a qualifying patient shall only be conducted as a Home Occupation, and shall not be permitted as a commercial or industrial use in any other zoning classification of this Zoning Ordinance. Also, since federal law is not affected by the MMMA or the General Rules, nothing in this subsection, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. This ordinance shall not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

12. Signs are prohibited to be displayed on the property or on any structures on the property.

13. Definitions. The definition of words and terms used in this subsection shall be the definitions contained in the MMMA.

14. Penalty. Any person, firm or corporation who shall violate any provision of this Ordinance or knowingly allows or permits a violation of any provision of this Ordinance upon property owned, possessed or controlled by such person, firm or corporation shall be guilty of a misdemeanor and shall, upon the finding thereof, be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus court costs and costs of prosecution and/or 90 days of incarceration in the Lenawee County jail. Each day that a violation occurs shall be considered a separate offense. Any violation of this Ordinance shall be declared a nuisance per se, and the Charter Township of Raisin may, in addition to any other penalty provided by this Ordinance, seek injunctive relief.

SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after its publication following final adoption or as required by law.

REPEAL: All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

A true copy of this Ordinance may be viewed or obtained at: The Raisin Charter Township office located at 5525 Occidental Highway, Tecumseh, MI. 49286 or the website: Raisinchartertownship.com.

Ordinance declared adopted on October 8, 2018.

Dale Witt, Supervisor  
Raisin Charter Township

#### CERTIFICATION OF ADOPTION AND PUBLICATION

I, Marge McDermott, the duly appointed Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Raisin Charter Township, Lenawee County, Michigan on October 8, 2018 and that it was published in the Adrian Daily Telegram on October 21, 2018.

Marge McDermott, Township Clerk for the Raisin Charter Township  
1T October 21