

TOWNSHIP OF NORVELL
ZONING ORDINANCE NO. 6 as amended
Section 6.7 Additional Developmental Requirements for Certain Uses
Subsection RR – Medical Marijuana Caregivers Requirements

The Township of Norvell in Jackson County ordains:

A. Intent

1. Voters in the State of Michigan approved Initiated Law 1 of 2008, the Michigan Medical Marijuana Act (“MMMA”), authorizing the use of marijuana for certain medical conditions.
 2. Under recent Michigan case law, Norvell Township may lawfully regulate land uses related to medical marijuana caregivers, so long as its regulations do not conflict with the MMMA.
 3. It is the intention of Norvell Township that nothing in this Ordinance be construed to allow persons to engage in conduct that causes a public nuisance, or allow activity relating to the growing, distribution or consummation of marijuana that is otherwise illegal under state law.
- B. Registered Primary Caregiver: A single, registered primary caregiver, in compliance with the Michigan Medical Marijuana Act, MCL 333.26421. et. Seq. (MMMA), MMMA Administrative Rules, and the requirements of this section, shall be permitted to grow marijuana as a home occupation, as defined under Section 8.10 of the Township Zoning Ordinance. Nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under state or federal law for growing, sale, consumption, use, distribution, or possession of marijuana, not in strict compliance with the MMMA and the MMMA Administrative Rules.

The following requirements and standards shall apply to the location at which a medical marijuana caregiver grows and distributes medical marijuana to registered patients.

1. The medical use of marijuana shall comply at all times with the MMMA and the MMMA Administrative Rules, as amended.
2. Not more than the registered primary caregiver shall be permitted to operate at any one parcel.
3. The registered primary caregiver must be a full-time resident of the dwelling where the home occupation is operated.
4. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage. “Medical use of marijuana” means the cultivation, possession, or use of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered, qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition.
5. Except for lighting, heating, watering, drying, or other equipment, or fertilizers, herbicides, or other chemicals directly related to the medical use/cultivation of marijuana, no other materials or equipment not generally associated with normal ownership, use and maintenance of a dwelling shall be permitted.

6. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
7. No one under the age of 18 years shall have access to medical marijuana.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building, structure or premises in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
9. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for the adjacent properties.
10. Related merchandise or products shall not be sold or distributed from the dwelling or the property of the primary caregivers, apart from the permitted quantity of medical marijuana.
11. A Conditional Use Permit is required for all medical marijuana caregiver operations to ensure compliance with all applicable requirements, laws and codes 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 zoning administrator or other authorized official. The property, dwelling, and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.
12. Caregiver growing facilities may only be established on properties of 5 acres or more, zoned Agricultural (AG-1).
 - A. Any portion of an outdoor enclosed locked facility shall be:
 1. Set back at least eighty (80) feet from any lot line.
 2. Set back at least one-hundred fifty (150) feet from any residential district.
 3. Set back at least twenty-five (25) feet from any other outdoor enclosed locked facility on the same property.
 4. The growing facility must be enclosed by an opaque fence that is eight feet (8) in height to minimize light spillage, odor, and noise affecting adjacent properties.
 - B. The term “enclosed locked facility” has the meaning provided in the Act and means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Marijuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground,; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown, and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:

1. The vehicle is being used temporarily to transport living marijuana plants from one location to another with the intent to permanently retain those plants at the second location.
2. An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marijuana plants belong, or the individual designated through the department registration process as the primary caregiver for the registered qualifying patient.
13. No equipment or process shall be used in growing, processing, or handling of medical marijuana which creates noise, vibration, glare, light, fumes, odor, or electrical interference detectable to the normal senses at or beyond the property line. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises.
14. A primary caregiver operation shall not be located within one thousand (1,000) feet of the following public, or private elementary or secondary school; public or private pre-school; licensed daycare or child foster care facility; public park, beach, or recreational area; or church, synagogue, temple, or similar place of worship. Measurement shall be from the closest point of the property line containing the primary caregiver operation to the closest point of the property line containing the above listed facilities.

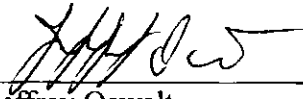
CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Norvell, Jackson County, Michigan, at a meeting held on December 8, 2021.

I hereby further certify that the following Township Board members were present at the meeting: Bill Sutherland, Jeff Oswalt, Deserre Sauers, Matt Dame, & Andrew Haystead, and the following members were absent: None.

I further certify that member Sutherland, moved for the adoption of the Ordinance, and the motion was supported by member Oswalt.

I further certify that the following Norvell Township Board Members voted for the adoption of the ZONING ORDINANCE NO. 6 as amended Section 6.7 Additional Developmental Requirements for Certain Uses Subsection RR – Medical Marijuana Caregivers Requirements; Bill Sutherland, Jeff Oswalt, Deserre Sauers, Matt Dame and Andrew Haystead. The following Norvell Township Board Members voted against the adoption of the Ordinance: None.

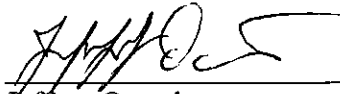


Jeffrey Oswalt
Norvell Township Clerk

12-10-2021
Date

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Norvell, do hereby certify that on December 21, 2021, a Summary of the Ordinance adopted was duly published in a newspaper having general circulation within the Township.



Jeffrey Oswalt,
Norvell Township Clerk

12-10-2021

Date