

Section 20.18 Medical Marihuana

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings except where the context clearly indicates a different meaning:

1. IHRA: The Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.
2. Marihuana: As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
3. Marihuana establishment: As defined in the MRTMA.
4. Marihuana facility: As defined in the MMFLA.
5. MMFLA: Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
6. MMMA: Michigan Medical Marihuana Act, 2008 IL 1, as amended.
7. MRTMA: Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.
8. Primary caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the MMMA and who otherwise meets the definition of a primary caregiver under the Act.
9. Qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the MMMA and who has been issued and possesses a registry identification card according to the Act.

B. Authorization: The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of marihuana in accordance with the MMMA is permitted only as a Class 1 home occupation though the growing and possession of the medical marihuana may occur in an accessory structure on the premises. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which may be located within the dwelling or within an accessory building or structure on the same lot as the dwelling.

1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other building or structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to grow or otherwise cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
2. Nothing in this Section shall be construed as authorizing any use of a lot for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.
3. Nothing in this Section shall be construed as authorizing any use that is subject to licensing under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, including a "grower," a "processor," a "secure transporter," a "provisioning center," or a "safety compliance facility," as defined in such Act.
4. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted or be present within Lake Township.

5. Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
6. Marihuana facilities are prohibited within the boundaries of the Township.

C. Rights Unaffected by this Ordinance:

1. This Section shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
2. This Section shall not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
3. This Section shall not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
4. This Section shall not affect the rights or privileges of any individual or other person under the IHRA.
5. This Section shall not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

D. Standards and Conditions: The following standards and conditions shall apply in addition to the standards of Section 20.10 for Class 1 home occupations, except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 20.10, the more stringent standards and conditions shall apply.

1. No medical marihuana home occupation shall be operated except in a single family dwelling or accessory building or structure thereto.
2. No medical marihuana home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the lot where the home occupation is occurring.
3. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana home occupation.
4. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall not exceed six hundred (600) square feet in floor area.
5. No more than seventy-two (72) marihuana plants shall be grown on the lot at any one time.
6. There shall be no sign erected pertaining to the home occupation.
7. All aspects of a medical marihuana home occupation shall comply at all times with the provisions of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.