

**TOWNSHIP OF OREGON**  
**COUNTY OF LAPEER, MICHIGAN**  
**AMENDMENT #143**

At a regular meeting of the Township of Oregon, Lapeer County, Michigan held in the Oregon Township Hall, 2525 Marathon Road in said Township, on the 12<sup>th</sup> day of October, 2021, at 6:00 p.m.

PRESENT: Bristow, Spencer, Rhein-O'Neill, Barber, Krysinski

ABSENT: None

The following ordinance was offered by Member Rhein-O'Neill and supported by Member Spencer.

**ZONING ORDINANCE SECTION 5.01(H), SECTION 5.01(I), 6.01(G), SECTION 6.01(H),  
SECTION 13.17 & SECTION 13.21  
[AMENDMENT TO ZONING ORDINANCE]**

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE,  
SECTION 5.01(H), SECTION 13.17, SECTION 13.17(4) AND SECTION 22.01,  
BEING PROVISIONS OF THE ZONING ORDINANCE RELATING TO MEDICAL  
MARIJUANA

THE TOWNSHIP OF OREGON ORDAINS:

- 1) Section 5.01(H) shall be restated in its entirety to read as follows:
  - H. Medical marijuana caregiver operations are permitted after obtaining a Zoning Permit pursuant to the following requirements:
    1. Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana, including but not limited to the Michigan Medical Marihuana Act (MMMA) and the Administrative Rules promulgated by the State of Michigan as well as complying with all local ordinances governing the use of medical marihuana.
    2. Medical marijuana caregivers shall only be allowed to grow or cultivate medical marihuana and/or assist with the medical use of marihuana on the property that is the primary caregiver's primary residence. A primary caregiver shall provide the Township with a copy of the documentation showing that the primary caregiver has obtained a principal residence exemption for the property where the primary caregiver seeks to assist others with the medical use of marihuana. If a primary

If a primary caregiver is no longer eligible to obtain a principal residence exemption on the property, the primary caregiver shall immediately cease and desist using the property to assist others with the medical use of marihuana.

3. No more than two (2) caregivers shall assist patients with the medical use of marihuana out of any parcel of property. This means, among other things, that in no event shall more than two caregivers grow and/or cultivate medical marihuana on a single parcel of land.
4. A primary caregiver is required to register the location he or she is using to grow or cultivate medical marihuana with the Oregon Township Clerk's office and the Lapeer County Construction Code Authority. At the time of the registration, the primary caregiver shall provide the following information:
  - a. A current Michigan registration card issued to the primary caregiver indicating the caregiver's status under the MMMA.
  - b. A full description of the nature and types of equipment which will be used in cultivating and processing the medical marihuana.
  - c. Sufficient evidence that the dwelling is owned by the caregiver and that the caregiver has obtained a principal residence exemption on the property.
5. All medical marihuana grown or cultivated by the caregiver shall be contained in an enclosed, locked facility that is inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered primary caregiver in full compliance with the MMMA and Administrative Rules.
6. The caregiver(s) activities assisting patients with the medical use of marihuana on the property shall be clearly incidental and secondary to the use of the premises as a residence.
7. No noise, odor, fire hazard or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
8. Medical marihuana caregivers shall be required to renew their Zoning Permit annually, which shall be accompanied by an annual inspection of the property being used to assist patients with their medical use of marihuana.
9. Nothing in this Zoning Ordinance shall be construed as authorizing any "marijuana facility" under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205.

10. Any term used in this Section 5.01(H) that is defined in the Michigan Medical Marihuana Act shall have the same meaning for this Section 5.01(H). See MCL 333.26423.
- 2) Section 5.01(I) shall read as follows:
  - I. Buildings, structures and uses which are accessory to any of the above-permitted uses.
- 3) Section 6.01(G) shall read as follows:
  - G. Medical marijuana caregiver operations are permitted after obtaining a Zoning Permit on a parcel located in the R-1 Single Family Residential district that is 2.5 acres or larger pursuant to the following requirements:
    1. Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana, including but not limited to the Michigan Medical Marihuana Act (MMMA) and the Administrative Rules promulgated by the State of Michigan as well as complying with all local ordinances governing the use of medical marihuana.
    2. Medical marijuana caregivers shall only be allowed to grow or cultivate medical marihuana and/or assist with the medical use of marihuana on the property that is the primary caregiver's primary residence. A primary caregiver shall provide the Township with a copy of the documentation showing that the primary caregiver has obtained a principal residence exemption for the property where the primary caregiver seeks to assist others with the medical use of marihuana. If a primary caregiver is no longer eligible to obtain a principal residence exemption on the property, the primary caregiver shall immediately cease and desist using the property to assist others with the medical use of marihuana.
    3. No more than two (2) caregivers shall assist patients with the medical use of marihuana out of any parcel of property. This means, among other things, that in no event shall more than two caregivers grow and/or cultivate medical marihuana on a single parcel of land.
    4. A primary caregiver is required to register the location he or she is using to grow or cultivate medical marihuana with the Oregon Township Clerk's office and the Lapeer County Construction Code Authority. At the time of the registration, the primary caregiver shall provide the following information:
      - a. A current Michigan registration card issued to the primary caregiver indicating the caregiver's status under the MMMA.
      - b. A full description of the nature and types of equipment which will be used in cultivating and processing the medical marihuana.

c. Sufficient evidence that the dwelling is owned by the caregiver and that the caregiver has obtained a principal residence exemption on the property.

5. All medical marihuana grown or cultivated by the caregiver shall be contained in an enclosed, locked facility that is inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered primary caregiver in full compliance with the MMMA and Administrative Rules.
6. The caregiver(s) activities assisting patients with the medical use of marihuana on the property shall be clearly incidental and secondary to the use of the premises as a residence.
7. No noise, odor, fire hazard or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
8. Medical marihuana caregivers shall be required to renew their Zoning Permit annually, which shall be accompanied by an annual inspection of the property being used to assist patients with their medical use of marihuana.
9. Nothing in this Zoning Ordinance shall be construed as authorizing any “marijuana facility” under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205.
10. Any term used in this Section 6.01(G) that is defined in the Michigan Medical Marihuana Act shall have the same meaning for this Section 5.01(H). See MCL 333.26423.

4) Section 6.01(H) shall read as follows:

H. Buildings, structures and uses which are accessory to any of the above-permitted uses.

5) The heading of Section 13.17 shall be modified to read as follows:

Section 13.17. MEDICAL MARIJUANA CAREGIVER GROW/DISTRIBUTION LOCATIONS.

6) Section 13.17 shall be restated in its entirety to read as follows:

Any medical marihuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marihuana. Nothing in

this Zoning Ordinance shall be construed as authorizing any “marijuana facility” under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205. It is the Township’s express intent not to permit any “marijuana facility” (as that term is defined in MCL 333.27102 from operating within the Township.

7) Section 13.21 shall read as follows:

A) Findings of Fact: The Township Board hereby finds that:

- 1) 200 amperes electrical service is adequate power for nearly all residential applications;
- 2) Except in extraordinary circumstances, electrical service in excess of 200 amperes is appropriate only for commercial or industrial applications or certain agricultural applications; and,
- 3) Township approval for electrical service in excess of 200 amperes for residential structures or structures accessory to residential uses is necessary to protect the health, safety and welfare of Township residents.

B) Electrical Compliance Permit: Persons must apply for and receive from the Township an electrical compliance permit when seeking to install electrical service of more than 200 amperes in any of the following circumstances:

- 1) On any property that contains a structure that is intended to be used as a dwelling;
- 2) On any property upon which a dwelling could be built under state law and local ordinance.
- 3) It shall be a violation of this Ordinance to install electrical service of more than 200 amperes on property that this Section B indicates requires an electrical compliance permit without first obtaining an electrical compliance permit as set forth in this Ordinance.

C) Application for Electrical Compliance Permit: Anyone seeking an electrical compliance permit from the Township must fill out an application created by the Township which shall contain at least the following information:

- 1) Identify the property or properties to be served by the electrical service in excess of 200 amperes by street address, tax identification number and legal description.

- 2) A certification that the proposed use of the property complies with state law and local ordinances.
- 3) Identify with specificity the purpose for which the electrical service on the property will be used, including but not limited to:
  - a. The types of agricultural products, if any, that will be grown or produced on the property;
  - b. The building(s) that will receive electrical service and for each such building:
    1. The purpose for which the building will be used;
    2. The size of the building, including how many square feet of the building will be used for any given purpose;
    3. Identifying what the electrical service will be used to power, including but not limited to a list of all equipment that will be powered by such electrical service.
    4. An acknowledgement that misrepresenting the use of the electricity in excess of 200 amperes on the Application is grounds for denial of an electrical compliance permit and/or revocation of a previously granted electrical compliance permit.
- 4) Identify the licensed electrician that will be installing the electrical service on the property.
- 5) All additional information that is necessary to demonstrate that the proposed electrical usage is necessary to serve the following: (1) residential uses consistent with state law and local ordinances; or, (2) uses qualifying for an agricultural products exemption as defined by MCL 205.94(1)(f).
- 6) An application fee at an amount set by the Township Board to cover administrative costs.

D) Standards for Permit Approval or Disapproval: Following inspection of the structure to be served by the proposed electrical service in excess of 200 amperes, the Township Zoning Administrator shall approve an application for an electrical compliance permit when the applicant demonstrates that the requested service is necessary for one or more of the following:

- 1) All residential applications within that structure;
- 2) Applications on property that have qualified for an agricultural-products exemption under MCL 205.94(1)(f); or,



- 3) A use to be performed on the property that is in conformance with all applicable state law and local ordinances.
- 4) If the Township Zoning Administrator determines that the application did not contain all information required by this Ordinance or if the Township Zoning Administrator determines that the applicant has not demonstrated that the requested service is necessary for one of the reasons set forth in this Section D, then the Township Zoning Administrator shall deny the application for an electrical compliance permit.

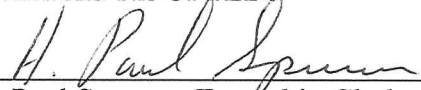
E) Disapproval; appeal: Persons aggrieved by a decision of the Township Zoning Administrator may appeal that decision to the Township Zoning Board of Appeals in accordance with the procedures outlined elsewhere in this Zoning Ordinance.

8) Effective Date: This Ordinance shall become effective seven (7) days after either its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Spencer, Bristow, Rhein-O-Neill, Barber, Krynsinski

NAYS: None

ZONING ORDINANCE AMENDMENT DECLARED ADOPTED.

  
H. Paul Spencer, Township Clerk

I hereby certify that the foregoing is a true and complete copy of a Zoning Ordinance Amendment adopted by the Township Board of the Township of Oregon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
H. Paul Spencer, Township Clerk

*Motion #112-21*