

EAST CHINA CHARTER TOWNSHIP
OFFICIAL PROCEEDINGS

MARCH 21, 2011

CALL TO ORDER – Supervisor Randolph called the meeting to order at 7:30 p.m., with Treasurer Beaudua, and Trustees Simons, Patsalis, and Horn. Clerk Arnold and Trustee Bober excused.

PLEDGE OF ALLEGIANCE

Two in the audience.

APPROVE MINUTES – Treasurer Beaudua, supported by Trustee Horn, moved to approve the Minutes of February 22, 2011. Carried.

CONSENT AGENDA – Trustee Horn, supported by Trustee Patsalis, moved to accept the Consent Agenda as follows: Park Commission minutes of February 9, 2011, Water and Sewer Treatment Plant 2010 reports, Building Department Report for February 2011, Beautification Committee minutes of January 6, 2011, and the Marine City and St. Clair Fire reports for February 2011. Carried.

DISBURSEMENTS – Treasurer Beaudua, supported by Trustee Simons, moved to approve payment of the bills in the amount of \$447,145.19, payroll in the amount of \$35,878.13, ACH payments in the amount of \$53,747.61, tax account in the amount of \$1,518,554.93, and Brownfield Authority account in the amount of \$39,989.47. Carried.

MEMBER REPORTS – Trustee Simons reported on the Park Commission and Marine City Fire Authority meetings. Richard Tucker, the Marine City Fire Chief is planning to retire this year. The Beautification Committee plans to install an arbor at Rivera Park and to repave parking lots at the main park.

NEW BUSINESS – Trustee Simons, supported by Trustee Horn, moved to approve an Agreement with St. Clair Little League in the amount of \$50.00 for Little League equipment. Roll call vote: Yea: Simons, Horn, Patsalis, Beaudua, and Randolph. Nay: None. Carried.

Supervisor Randolph, supported by Trustee Simons, moved to approve a language change for the MERS Agreement. Carried.

Supervisor Randolph, supported by Trustee Simons, moved to appoint Jerry Jones to the Zoning Board of Appeals with a term ending May 7, 2013. Carried.

Trustee Patsalis, supported by Trustee Horn, moved to accept a letter from the Board of Review to grant two water and sewer exemptions for 2011. Carried.

ORDINANCE – After the second reading, Supervisor Randolph, supported by Trustee Patsalis, moved to adopt Ordinance 306 – Medical Marijuana. Carried.

ORDINANCE 306

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 480, ZONING, TO REGULATE MEDICAL MARIJUANA.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend the Code of Ordinances, Chapter 480, Zoning, Section 480-5, Definitions and add Section 480-77.2 MEDICAL MARIJUANA.

SECTION 2. AMENDMENTS.

1. The Code of Ordinances, Chapter 480, Article II, Construction of Language and Definitions, Section 480-5, Definitions, is hereby amended by adding the following definition:

Medical Marijuana Dispensary, Grow Facility, Compassion Club or Similar Operation is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at or own the location where the medical marijuana is grown or cultivated, or any facility or location where medical marijuana is grown, processed, possessed or cultivated for the purpose of distributing the medical marijuana to more than the cumulative total of five (5) qualified patients.

2. The Code of Ordinances, Chapter 480, Article II, Construction of Language and Definitions, Section 480 is hereby amended by adding the following:

SECTION 480-77.2 MEDICAL MARIJUANA

A. **Intent.**

1. Voters in the State of Michigan approved a referendum authorizing the use of marijuana for certain medical conditions, being the Michigan Medical Marijuana Act, MCL 333.26421, et seq. ("The Act").
2. The specified intent of The Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
3. Despite the specific provisions of The Act and the activities identified in The Act, marijuana remains a controlled substance (Schedule 1 Drug) under Michigan law. The activities set forth in The Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.

4. If not closely monitored or regulated, the presence of marijuana, even for the purposes specified by The Act, may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of East China Township.
5. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal.

B. Medical Marijuana Dispensary, Grow Facility, Compassion Club and Similar Operations. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, grow facility, compassion club or similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, grow facility, compassion club or similar establishment in East China Township.

C. Registered Primary Caregiver. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Chapter, shall be permitted to grow marijuana. Nothing in the Chapter, or in any companion regulatory provision adopted in any other provision of the Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this chapter, 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. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

1. A primary caregiver shall be prohibited from engaging in the distribution, cultivation, growing or processing of medical marijuana in any commercial or industrial zoning district.
2. A primary caregiver shall be required to occupy the site where medical marijuana is grown as their principle residence;
3. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana 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 must be located outside of a one thousand (1,000) foot radius from any school, including childcare or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements. The radius shall be measured from a point beginning at the property line of the school site;

5. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any public or private park property or public library property (as measured from the property lines);
6. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a parcel or within an approved livable dwelling unit;
7. All medical marijuana shall be contained within the building 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;
8. All necessary building, electrical, plumbing and mechanical permits, as required by the building code, shall be obtained for any portion of the structure or accessory building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;
9. That portion of the structure or accessory building where energy usage and heat exceeds typical 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 appropriate Fire Code Enforcement Officer to insure compliance with the Michigan Fire Protection Code;
10. The premises shall be open for inspection upon request by the appropriate Fire Code Enforcement Officer and law enforcement officials for compliance with all applicable laws and rules;
11. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.
12. Lights utilized in the growing process that are visible from the exterior of a structure, shall not be permitted to operate between the hours of 11 :00 PM and 6:00 AM.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 4. REPEAL.

All Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon publication after adoption.

SECTION 6. INSPECTION OF ORDINANCE.

A copy of this Ordinance may be inspected or purchased at the Township Hall, 5111 River Road, East China, Michigan 48054, during regular posted office hours.

ORDINANCE DECLARED ADOPTED

BOARD MEMBER COMMENTS – Trustee Simons asked for information about expenses for the township car.

Trustee Horn said he wants the minutes from the last meeting to include his request to table adopting changes to the Administrative Employee Policies Handbook.

ADJOURN – Trustee Simons, supported by Treasurer Beaudua, moved to adjourn at 8:06 p.m. Carried.

John A. Randolph, Supervisor