

## ZONING TEXT AMENDMENT

### BATH CHARTER TOWNSHIP CLINTON COUNTY, MICHIGAN ORDINANCE NO. 31.61

At a regular meeting of the Township Board of Bath Charter Township, Clinton County, Michigan, held at the Bath Charter Township Hall on September 3, 2019, at 6:00 p.m., Township Board Member Cronk moved to adopt the following ordinance, which motion was seconded by Township Board Member Benzie:

*An Ordinance to amend the Bath Charter Township Zoning Ordinance, as amended, to provide for the zoning regulation of Commercial Medical Marihuana Facilities and Primary Caregiver Operations; and designate such Facilities and Operations as special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Bath Township.*

THE TOWNSHIP OF BATH ORDAINS:

**Section 1. Amendment of Article III, Section 3.02, Definitions:** The Bath Charter Township Zoning Ordinance, Article III, Section 3.02, Definitions, shall be amended to add the following defined terms:

1. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
  - a. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
  - b. “*Processor*,” as that term is defined in the MMFLA;
  - c. “*Secure Transporter*,” as that term in the MMFLA;
  - d. “*Grower*,” including *Class A*, *Class B* and *Class C*, as those terms are defined in the MMFLA;
  - e. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
2. “*Medical Marihuana*” means that term as defined in MCL 333.26423.
3. “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
4. “*Permit*” means a current and valid permit for a Commercial Medical Marihuana Facility issued under the Bath Charter Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities, Bath Charter Township Ordinance No. 31.61, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the Special Use Permit required to be obtained under this Zoning Ordinance.

5. "Person" means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

6. "Primary Caregiver" means a Person qualified under MCL 333.26423(g), and the rules promulgated therefore by the Department of Community Health, R 333.101 et seq., including, but not limited to possession of a valid, unexpired registry identification card, to assist with a Patient's medical use of Marihuana, and authorized under the Michigan Medical Marihuana Act ("MMMA") to operate as a Primary Caregiver.

**Section 2. Amendment of Article VI, Section 6.04, Uses Permitted by Special Use Permit:** The Bath Charter Township Zoning Ordinance, Article VI, Section 6.04, Uses Permitted by Special Use Permit, shall be amended to add the following special land uses in addition to those presently listed in the Development District:

1. Grower, Class A, Class B, and Class C
2. Processor
3. Safety Compliance

**Section 3. Amendment of Article IX, Section 9.04, Uses Permitted by Special Use Permit:** The Bath Township Zoning Ordinance, Article IX, Section 9.04, Uses Permitted by Special Use Permit, shall be amended to add the following special land uses in addition to those presently listed in the Industrial District:

1. Processor
2. Safety Compliance Facility

**Section 6. Severability:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**Section 7. Effective Date:** This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: Phillips, McQueen, Benzie, Cronk, Rosekrans

NAYS: None

ABSENT/ABSTAIN: Wiswasser, McCrimmon

ORDINANCE DECLARED ADOPTED.

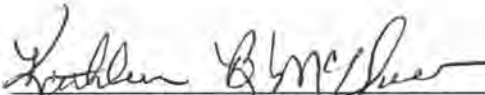
  
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Jack Phillips, Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Bath Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on September 3, 2019, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the DeWitt/Bath Review and the Towne Courier newspaper, a newspaper that circulates within Bath Charter Township, on September 8, 2019.

ATTESTED:

  
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Kathleen McQueen, Township Clerk