

CHARTER TOWNSHIP OF HAMPTON
SPECIAL MEETING
APRIL 23, 2018

The special meeting of the Charter Township of Hampton Board of Trustees was called to order at 9:20 a.m. by the Supervisor in the Boardroom of the Hampton Township Administrative Offices.

The pledge of allegiance was given to the flag.

PRESENT: Klass, Wisniewski, DeWyse, Wright, Samyn, Close

ABSENT: Hugo

ALSO PRESENT: Kasper, Sheppard & 5 people in audience

At this time the meeting was opened to the public for a public hearing on the adopted of Ordinance No. 36A-25.

Dave & Karen Chevalier, 695 E. Warner Road, addressed the proposed marijuana grow facility proposed for Callahan & Center. Items discussed were: stench; traffic; fencing; lighting; property values; disposal of product waste; money on site – attractive to criminals; will they be using the entire parcel or part.

Trisha Johnson, Warner Road, also addressed the proposed facility and the nice quiet neighborhood that they now live in – better areas in the township for this type of facility; process for the special use permit.

Dave Overholt, 744 E. Warner Road, addressed the proposed facility and the high fences; spotlights; security guards looking into his house; transportation of the product.

Public portion of the meeting was closed.

Motion by DeWyse seconded by Wisniewski that Ordinance No. 36A-25 be adopted as follows:

ORDINANCE 36A-25

The Board of Trustees of the Charter Township of Hampton, Bay County, Michigan, ordains:

That Ordinance No. 36A of the Charter Township of Hampton, being the Charter Township of Hampton Zoning Ordinance, and all amendments thereto, be further amended as follows:

NOTE: Additions are underlined and deletions ~~look like this~~. Only the proposed amendment to the Ordinance and the portion of the Ordinance to be amended is shown below.

SECTION A

The Charter Township of Hampton Ordinance No. 36A and all prior amendments thereto, designated as Charter Township of Hampton Zoning Ordinance, adopted June 8, 1992, and effective July 11, 1992, is hereby amended, in part, as follows:

CHAPTER 3 GENERAL PROVISION

SECTION 3.02 EFFECT OF ZONING

- A. Except as hereinafter specified, no building, structure, premises or piece and parcel of land in and throughout the Township shall hereinafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the district in which it is located.
- B. No use shall be permitted in any district which is prohibited by state or federal law. This prohibition shall not apply to the following:
1. A qualifying patient engaged in the possession or use of marihuana in the patient's home in accordance with the Michigan Medical Marihuana Act. See MCLA § 333.26451 et seq.
 2. A primary caregiver assisting no more than five qualifying patients with whom he or she is connected through the Michigan Department of Community Health's registration process with the possession or use of marihuana in the patient's home in accordance with the Michigan Medical Marihuana Act.
 3. **Commercial Marihuana Facility, "Marihuana Facility," or "Facility":** An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and licensed by Ordinance 65 of Ordinances of the Charter Township of Hampton and granted a special use permit as required by this Ordinance, including a marihuana grower, marihuana processor, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

4. A medical marihuana grower that is licensed to operate under the Medical Marihuana Facilities Licensing Act, Ordinance 65 of Ordinances of the Charter Township of Hampton and granted a special use permit as required by this Ordinance that is a commercial entity located within this Township that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
5. A processor is a licensee that is licensed to operate under the Medical Marihuana Facilities Licensing Act, Ordinance 65 of Ordinances of the Charter Township of Hampton and granted a special use permit pursuant to this Ordinance that is a commercial entity located in this township that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
6. Safety compliance facility that is licensed to operate under the Medical Marihuana Facilities Licensing Act and Ordinance 65 of Ordinances of the Charter Township of Hampton and granted a special use permit by this Ordinance that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
7. A secured transporter that is licensed to operate under the Medical Marihuana Facilities Licensing Act and Ordinance 65 of Ordinances of the Charter Township of Hampton and granted a special use permit by the requirements of this ordinances that is a commercial entity located within this Township that stores marihuana and transports the marihuana between marihuana facilities for a fee.

~~The following uses are considered to be unlawful and are prohibited from being established or operated in Hampton Charter Township:~~

- A. C. A Marihuana Collective or Cooperative which is operated for profit or non-profit is considered to be unlawful and is prohibited from being established or operated in Hampton Charter Township. A Marihuana Collective or Cooperative is considered to be and which is defined as follows: Any facility, structure, dwelling or other location where medical marihuana is ~~grown, cultivated, processed, stored, transmitted~~, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1 (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card or a provisioning center as defined by the Medical Marihuana Facilities Licensing Act and this Ordinance.

~~The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative~~

~~Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 and the applicable requirements of this Zoning Ordinance. A “marijuana collective or cooperative” shall not include the following uses: a State licensed health care facility; a State licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.~~

- ~~B. Marijuana Dispensary or Dispensary which is operated for profit or non-profit and which is defined as follows: Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1 (the “Act”), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card.~~

~~The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 and the applicable requirements of this Zoning Ordinance. A “marijuana collective or cooperative” shall not include the following uses: a State licensed health care facility; a State licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.~~

SECTION 3.16 DWELLINGS - SINGLE AND TWO-FAMILY

- A. General requirements for a single-family or two-family dwelling other than in the R-4 and R-5 zoning districts:

1. - 11. Remain unchanged

12. Residential Garages

- a. Each dwelling is permitted a garage of eight hundred thirty-two (832) square feet.
- ~~b. A garage may be larger than eight hundred thirty-two (832) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling. All required yards and setbacks must be met.~~

e. ~~No garage shall be larger than one thousand and eighty (1,080) square feet.~~

d. b. The height of a garage shall be equal to or less than the height of the dwelling unit.

c. Attached garage

1. May be up to one thousand and eighty (1,080) square feet per floor if the first floor of said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.

2. The height of the garage shall be equal to or less than the height of the dwelling unit.

3. The second floor of the garage shall not be larger than the first.

d. Detached garage

1. Setbacks

(a) Side and rear yard setbacks shall be ten feet (10').

(b) Minimum setback from the principal building shall be twenty feet (20').

(c) Minimum setback from any other building or structure shall be fifteen feet (15').

(d) Shall not be located in the front yard setback.

2. Single Story detached garage

(a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.

(b) May be up to one thousand and eighty (1,080) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.

3. Two-story detached garage

(a) Must meet the main building rear yard setback for the respective district.

(b) The height of a two-story detached garage shall not exceed twenty-four feet (24') at the peak. Sidewalls shall not exceed twenty feet (20').

(c) A two-story detached garage shall be limited to eight hundred thirty-two (832) square feet per floor. The second story shall not be larger than the first.

(d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.

4. Under no conditions shall any part of a detached garage be used for sleeping quarters.

B. General requirements for a single-family or two-family dwelling in the R-4 districts:

1. - 9. Remain unchanged

10. Residential Garages

a. Each dwelling is permitted a garage of eight hundred thirty-two (832) square feet.

~~b. A garage may be larger than eight hundred thirty-two (832) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling. All required yards and setbacks must be met.~~

~~e. No garage shall be larger than one thousand and eighty (1,080) square feet.~~

~~d. b.~~ The height of a garage shall be equal to or less than the height of the dwelling unit.

c. Attached garage

1. May be up to one thousand and eighty (1,080) square feet per floor if the first floor of said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.

2. The height of the garage shall be equal to or less than the height of the dwelling unit.

3. The second floor of the garage shall not be larger than the first.

d. Detached garage

1. Setbacks

(a) Side and rear yard setbacks shall be ten feet (10').

(b) Minimum setback from the principal building shall be twenty feet (20').

(c) Minimum setback from any other building or structure shall be fifteen feet (15').

(d) Shall not be located in the front yard setback.

2. Single Story detached garage

(a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.

(b) May be up to one thousand and eighty (1,080) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.

3. Two-story detached garage

(a) Must meet the main building rear yard setback for the respective district.

(b) The height of a two-story detached garage shall not exceed twenty-four feet (24') at the peak. Sidewalls shall not exceed twenty feet (20').

(c) A two-story detached garage shall be limited to eight hundred thirty-two (832) square feet per floor. The second story shall not be larger than the first.

(d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.

4. Under no conditions shall any part of a detached garage be used for sleeping quarters.

C. General requirements for a single-family or two-family dwelling located in the R-5 district, outside of mobile home parks:

1. - 6. Remain unchanged

7. Residential garages

a. Each dwelling is permitted a garage of eight hundred thirty-two (832) square feet.

~~b. A garage may be larger than eight hundred thirty-two (832) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling. All required yards and setbacks must be met.~~

~~e. No garage shall be larger than one thousand and eighty (1,080) square feet.~~

~~d. b.~~ The height of a garage shall be equal to or less than the height of the dwelling unit.

c. Attached garage

1. May be up to one thousand and eighty (1,080) square feet per floor if the first floor of said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.

2. The height of the garage shall be equal to or less than the height of the dwelling unit.

3. The second floor of the garage shall not be larger than the first.

d. Detached garage

1. Setbacks

(a) Side and rear yard setbacks shall be ten feet (10').

(b) Minimum setback from the principal building shall be twenty feet (20').

(c) Minimum setback from any other building or structure shall be fifteen feet (15').

- (d) Shall not be located in the front yard setback.
- 2. Single Story detached garage
 - (a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.
 - (b) May be up to one thousand and eighty (1,080) square feet if said garage is less than two-thirds (2/3) of the square footage of the first floor of the dwelling.
- 3. Two-story detached garage
 - (a) Must meet the main building rear yard setback for the respective district.
 - (b) The height of a two-story detached garage shall not exceed twenty-four feet (24') at the peak. Sidewalls shall not exceed twenty feet (20').
 - (c) A two-story detached garage shall be limited to eight hundred thirty-two (832) square feet per floor. The second story shall not be larger than the first.
 - (d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.
- 4. Under no conditions shall any part of a detached garage be used for sleeping quarters.

SECTION 3.28 WALLS AND FENCES

A. - D. Remain unchanged

E. In most cases, a six foot (6') fence will be deemed sufficient and it is the preferred fence height in Hampton Township. However, the Planning Commission may allow a height of eight foot (8') for specific commercial, agricultural and industrial uses and for nursing homes, homes for the aged, and assisted living facilities where safety and security is a concern. The applicant shall show a sufficient cause for any request for an eight foot (8') fence.

~~E.~~ F. For fence enclosure requirements for swimming pools, see Section 3.36 D.

F. G. Permit and fee required. Prior to construction, reconstruction or establishment of a fence, wall, or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.

1. - 4. Remain unchanged

CHAPTER 6 “A” - AGRICULTURAL DISTRICT

SECTION 6.03 PERMITTED PRINCIPAL USES SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 19:

A. - L. Remain unchanged

M. A marihuana grower or marihuana processor, in accordance with the provisions of State law, may be permitted through the issuance of a Special Use permit pursuant to Chapter 19 of the Hampton Township Zoning Ordinance, in the specified zoning districts, provided that:

1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Hampton Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Hampton Township shall suspend the acceptance of applications for Special Use permits pending the resolutions of the legal issue in question.
2. The marihuana facility must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
3. At the time of application for a Special Use permit (SUP), the marihuana facility must have the Hampton Township medical marihuana permit application concurrently in process with the Special Use permit and site plan approval, and then must be at all times in compliance with the zoning ordinance of Hampton Township.
4. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, shall not be

permitted as a home occupation or accessory use nor may they include accessory uses, except as otherwise provided in this ordinance.

5. Hampton Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Hampton Township General Ordinance 65, or the terms of the special use permit and approved site plan are not met.
6. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in Chapter 18 of the Hampton Township Zoning Ordinance.
7. In addition to the items to be provided for a Special Use Permit according to Chapter 19, the applicant shall also provide a copy of the business operations plan that is to be provided for the Medical Marihuana facility license.
8. All activities of a marihuana facility, including all transfers of marihuana, shall be conducted within a completely enclosed building and out of public view.
9. Lighting. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
10. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c. Negative air pressure shall be maintained inside the building.
 - d. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- e. An alternative odor control system is permitted if the Special Use permit applicant submits and the Township accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

- 11. No vehicle may be used for the ongoing or continuous storage of marihuana, but may only be used incidental to, and in furtherance of, the transportation of marihuana.

- 12. Vehicles used for the transport of marihuana must be stored indoors when not in use.

CHAPTER 11
I-1, PLANNED ENTERPRISE DISTRICT

SECTION 11.02 **PERMITTED** ~~**PRINCIPAL**~~ **USES** ~~**PERMITTED**~~

No building, structure, or land shall be used and no building or structure erected in the Planned Enterprise District, except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

A. PRINCIPAL USES PERMITTED BY RIGHT:

- 1. - 16. Remains unchanged

B. USES BY SPECIAL PERMIT:

- 1. A marihuana grower, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of State law, may be permitted through the issuance of a Special Use permit pursuant to Chapter 19 of the Hampton Township Zoning Ordinance, in the specified zoning districts, provided that:
 - a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Hampton Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Hampton Township shall suspend the acceptance of applications for Special Use permits pending the resolutions of the legal issue in question.

- b. The marihuana facility must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
- c. At the time of application for a Special Use permit (SUP), the marihuana facility must have the Hampton Township medical marihuana permit application concurrently in process with the Special Use permit and site plan approval, and then must be at all times in compliance with the zoning ordinance of Hampton Township.
- d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, shall not be permitted as a home occupation or accessory use nor may they include accessory uses, except as otherwise provided in this ordinance.
- e. Hampton Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Hampton Township General Ordinance 65, or the terms of the special use permit and approved site plan are not met.
- f. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in Chapter 18 of the Hampton Township Zoning Ordinance.
- g. In addition to the items to be provided for a Special Use Permit according to Chapter 19, the applicant shall also provide a copy of the business operations plan that is to be provided for the Medical Marihuana facility license.
- h. All activities of a marihuana facility, including all transfers of marihuana, shall be conducted within a completely enclosed building and out of public view.
- i. Lighting. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
- j. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing.

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 3. Negative air pressure shall be maintained inside the building.
 4. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 5. An alternative odor control system is permitted if the Special Use permit applicant submits and the Township accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- k. No vehicle may be used for the ongoing or continuous storage of marihuana, but may only be used incidental to, and in furtherance of, the transportation of marihuana.
- l. Vehicles used for the transport of marihuana must be stored indoors when not in use.

CHAPTER 30 DEFINITIONS

SECTION 30.01 GENERAL INTERPRETATION

Remains unchanged

SECTION 30.02 DEFINITIONS

For the purpose of this Zoning Ordinance, certain terms and/or words are defined as follows:

(All existing definitions remain unchanged with the following definitions being added or ~~modified~~.)

SECTION 30.08.1 AFFILIATE

Any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

SECTION 30.37.2 COMMERCIAL MARIHUANA FACILITY”, “MARIHUANA FACILITY” OR “FACILITY”

An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

SECTION 30.90.05 GROWER

A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

SECTION 30.93.2 LICENSEE

A person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

SECTION 30.105A.1MARIHUANA OR “MARIJUANA”

The term as defined in the Public Health Code, MCL 333.1101 et seq.; the Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable.

SECTION 30.105A.2MARIHUANA PLANT

Any plant of the species Cannabis sativa L.

SECTION 30.105A.3MARIHUANA-INFUSED PRODUCT

A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

SECTION 30.105A.4 MICHIGAN MEDICAL MARIHUANA ACT

The Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

SECTION 30.119.1 PARAPHERNALIA

Any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

SECTION 30.122.1 PROCESSOR

A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

SECTION 30.122.2 PROVISIONING CENTER

A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421 et, seq., is not a provisioning center for purposes of this act.

SECTION 30.126.1 REGISTERED PRIMARY CAREGIVER

A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

SECTION 30.126.2 REGISTERED QUALIFYING PATIENT

A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

SECTION 30.126.3 REGISTRY IDENTIFICATION CARD

That term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

SECTION 30.127.15 SAFETY COMPLIANCE FACILITY

A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

SECTION 30.127.25 SECURE TRANSPORTER

A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

SECTION 30.135.1 STATE OPERATING LICENSE

A license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

SECTION 30.147.3 WIRELESS COMMUNICATION FACILITIES

- (a) Wireless Communication Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- (b) Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers,

water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

- (c) Wireless Communication Support structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (d) Collocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

SECTION 30.147.3.4 VETERINARY HOSPITAL OR CLINIC - LARGE ANIMAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Larger animals and livestock such as, but not limited to horses, cows, sheep and pigs are permitted in this classification as well as small animals, including household pets.

SECTION 30.147.4.5 VETERINARY HOSPITAL OR CLINIC - SMALL ANIMAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to small animals, including household pets. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not limited to horses, cows, sheep and pigs are not allowed in this classification.

SECTION B

PENALTY

The penalty for violation of this ordinance shall be the same as set forth in Chapter XXVI of the Charter Township of Hampton Zoning Ordinance, being Ordinance No. 36A, as amended.

SECTION C

PUBLICATION AND EFFECTIVE DATE

After adoption by the Township Board, this ordinance or a summary thereof shall be published in a newspaper circulated within the Township of Hampton, Bay County, Michigan, and shall take effect on the date of such publication.

SECTION D

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION E

SEVERABILITY AND SAVINGS CLAUSE

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared to be invalid.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by DeWyse seconded by Wisniewski to receive and approve the master plan update and authorize it to be distributed as authorized by statute.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

OPEN TO THE PUBLIC:

No one addressed the Board.

Motion by DeWyse seconded by Wright that the meeting adjourn. Motion carried. The meeting adjourned at 10:26 a.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Terri Close, Supervisor

