

**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 531**

AN ORDINANCE TO AMEND SECTION 40-1 AND SUB-SECTION 40-111(3)f OF CHAPTER 40, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS TO PROHIBIT PRIMARY CAREGIVERS UNDER THE MICHIGAN MEDICAL MARIHUANA ACT OF 2008 AS A HOME OCCUPATION.

THE CITY OF HUNTINGTON WOODS ORDAINS:

SECTION 1. Section 40-1, Definitions, of Chapter 40, Zoning, of the Code of Ordinances of the City of Huntington Woods, Michigan, is hereby amended to add, alphabetically, the following definitions:

Marihuana: All parts of the plant *Canabis sativa L.*, growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Primary Caregiver: A person who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana and who has been issued and possesses a registry identification card from the State of Michigan under the Michigan Medical Marihuana Act of 2008.

SECTION 2. Sub-Section 40-111(3)f., Zones R-1A through R-1E – Use Regulations, of Chapter 40, Zoning, of the Code of Ordinances of the City of Huntington Woods, Michigan, is hereby amended to read as follows:

- f. *Uses that are prohibited.* The following uses by the nature of the investment or operation generally require the use of electrical or mechanical equipment; generate excessive noise, dust vibration, etc., have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations; and/or impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified in this subsection shall not be permitted as home occupations unless granted a special land use permit by the planning commission: auto repair, minor or major; bakers; barbershop; beauty parlor; carpentry work; confectionery; dance instruction; dental office; dealer of firearms; food preparation or processing; massage therapy; medical office; primary caregiver under the Michigan Medical Marihuana Act of 2008; office of psychologist, psychiatrist, social worker or counselor; painting of vehicles, trailers or boats; photo developing; photo studio; private school with organized classes; electronics repair; upholstery.

SECTION 3. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

SECTION 3. Effective Date.

This ordinance shall be published as required by Act 110 of the Public Acts of the State of Michigan, 2006, and the Charter of the City of Huntington Woods. This ordinance shall become effective twenty (20) days after the date of its passage or seven (7) days after publication, whichever is later.

MADE, PASSED AND ADOPTED by the Commission of the City of Huntington Woods on this 19th day of January, 2010.

ATTEST:

Ruth A. Franzoni
City Clerk

State of Michigan)
County of Oakland)

I, Ruth A. Franzoni, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 531 was published in The Daily Tribune on _____, 2010 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building, and Library Bulletin Board.

Ruth A. Franzoni, City Clerk