

**ROSE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING**

**AGENDA  
November 4, 2021**

1. Call the meeting to order
2. Roll Call:  Stanczyk,  Holton,  Brooks,  Bolan,  Noble,  Jung,  Lynn
3. Approval of Agenda
4. Minutes: Additions, corrections and/or approval
  - A. Regular Meeting October 7, 2021
5. Public comments on agenda items (excluding Public Hearing)
6. Communications
7. Committee Reports
8. Public Hearings (Notification as required by State law)
  - A. Caregiver Ordinance
9. New Business
  - A. Oak Wilt Control Discussion
10. Unfinished Business
11. Tabled Items
12. Discussion Items
  - Announcements
    - A. Rose Township Board Report-Glen Noble
    - B. Comments by Township Planner.
    - C. Next Regular Planning Commission Meeting December 2, 2021, 7:00 PM Rose Twp. Offices, 9080 Mason Street, Holly, Michigan (tentative).
    - D. Next Regular N.O.C.F.A. Meeting, November 16, 2021, 3:00 PM Holly Township.
    - E. Next Regular Township Board Meeting November 10, 2021, 7:00 PM
    - F. Zoning Board of Appeals, November 2, 2021, 7:00 PM, Rose Township Hall. (tentative)
14. Open the meeting to the public
15. Adjournment A. Motion \_\_\_\_\_ B. Time \_\_\_\_\_ PM



**5. BRIEF PUBLIC COMMENTS – AGENDA ITEMS ONLY: (limit comments to 3 minutes)**

None

**6. COMMUNICATIONS:**

Three communications: email from Holton, email from Brooks, letter via email from NOCFA, Assistance Fire Chief Matt Weil.

**7. COMMITTEE REPORTS:**

None

**8. PUBLIC HEARINGS: (Notification as required by State law)**

None

**9. NEW BUSINESS:**

**A. Site Plan for Seasonal Property Maintenance at 690 Rose St, 06-02-101-002**

A tree company wishing to build a 40x80 foot pole barn on 40 acres.

Question by Jung asking if the septic and dosing tank was because it couldn't be gravity fed to the field? Allen responded that it didn't perk since the water table is about six feet below.

Allen explained that due to fire suppression system needed for buildings over 5,000 square feet, they are removing one of the lean-tos to get under the 5,000 sq. feet.

Engineer Michael Pifer of Kraft Engineering spoke on behalf of Seasonal Property Maintenance, explaining the details of the drawings for the landscaping, building and parking. This business will have no customer's that will come to the building, only employees. Kieft Engineers recommend approval of the proposed Site Engineering Plans with revisions, as stated in the letter.

Brian Borden explained that the Planning Commission has the approval authority over the site plan since it is zoned M-1 which is a by-right use so a site plan review is the only zoning process needed. It will not be a recommendation to the Rose Township Board, the Planning Commission is the approving body for this particular plan. There is some non-compliance, but the Planning Commission has discretion. Bolan questioned if the buffer was trees or just brush in the northwest corner. Plewes explained there are some open spots but not many. Allen stated it is solid woods. Bolan questioned if they plan on an expansion or if they use dyes. Allen stated no to both.

Borden explained the areas not compliant with current ordinance are: 1) building materials-metal buildings can only be 25% so needs to be revised or waived. 2) the parking lot-ordinance requires they be paved, but can be waived. 3) landscaping buffer, with approval can remain as existing vegetation. The Planning Commission has the discretion on these three items. If the Planning Commission moves this forward tonight, Borden would like to see a condition that we receive details of the proposed wall mounted light fixtures, to make sure what they propose meets ordinance.

Bolan questioned bringing in concrete forms for the parking areas. Allen explained that wood ones will be about 3.5 feet above the ground.

Noble proposed the Commission waive the tree replacement along the west property line, except where growth is less than five feet high. He also proposed to waive the asphalt concrete pavement surfacing and allow crushed concrete, aggregate or crushed asphalt millings. Also waive the siding material requirement.

Jung stated the vegetation was dense, even in the wintertime, to provide a buffer. Also suggests to keep the driveway gravel. Agreed with letting the water drain naturally. Would prefer only 25% metal on the building, but because of the location of the building, would waive it. Suggests we get the revised plan, without the lean-to, the details of the lights, and the contours for the pipe. She would like to hear more about the wood boiler.

Bolan explained the boiler is a self-contained unit that would be at least 50-100 feet away from the building, and 500-1,000 feet away from the wood chips and not inside the building, which was the concern from NOCFA.

Lynn stated she wanted to get everyone's consensus on three items if moving forward:

- 1) The building as it is proposed: it is a pole barn constructed of all metal, when our ordinance states 25% metal. All in agreement what is on the plan is acceptable.
- 2) Parking lot: our ordinance states concrete/asphalt, but drawing requests gravel. All in agreement to keep it gravel.
- 3) Landscaping: Should additional vegetation be required? If existing growth is less than 5 feet, put up additional buffer.

Motion by Jung to approve the site plan review for 690 E. Rose St, Seasonal Property Maintenance, with conditions: approving the building as all metal as proposed, gravel surface/parking area as proposed, landscaping with the appropriate trees where not 5 feet tall with evergreens at the west property line. To have the details of the lighting and revised plan submitted showing the removal of the lean-to, and revise the slope of the culvert as asked for by Kieft Engineering company. Seconded by Noble.

**VOTE:**   **YES:**    Noble, Stanczyk, Bolan, Jung, Lynn,  
          **ABSENT:** Holton, Brooks  
          **NO:**        None

## **10. Unfinished Business:**

### **A. Caregiver Ordinance**

Lynn discussed changes made-draft #3:

-Page 1, (b)1) 2<sup>nd</sup> paragraph: Added "and/or accessory building." Deleted "parcel, or site condominium"

-Page 2, 2) 3<sup>rd</sup> paragraph: Typing correction, changed from "form" to "from" on second line. Borden will expand on *Enclosed locked facility*.

-Page 2, 2) 7<sup>th</sup> paragraph: *Qualifying patient* is cleaned up a little bit. Added that they must possess a registry identification card under the Act.

-Page 3, 1)a.: added “on a conforming lot and within a conforming building (principal or accessory)”

-Page 3, 1)b.2.: deleted “lot parcel or site condominium unit.”

-Page 3, 1)b.6.: deleted “waste water” and added “water discharge.”

-Page 3, 1)b7.: added #7 in full as “Demonstrate that the applicant holds a valid registry identification card.”

-Page 3, 1)b8. (formerly 7): Bolan questioned what this means, Borden stated it is a catch-all and means anything the township wants to require and should stay in the ordinance. Bolan feels it is too broad for the elected officials of Rose Township to make changes. There is a consensus to get input from the public.

-Page 4: 2.a. & d.: states “no more than five qualifying patients.” “not more than 12 marihuana plants” Jung suggests changing it to refer to the act instead. Plewes stated we can remove the number and refer to the act. Plewes stated that if the act changes, then the ordinance changes. Borden will get rid of the numbers and put in references as allowed by the statute. Jung stated that in d. or f., “not visible to the outside.” Borden stated it is in the definition so not needed. Ancillary products were removed. 2.b.3.-went from 500 to 1,500 feet. 2c. & 2d.-added “approved accessory building.”

-Page 5-j.: deleted naming DTE and Consumers.

-Page 6-no changes from draft #2.

MOTION by Lynn to set a public hearing for November 4, 2021 on the medical marihuana home occupation zoning regulation. Seconded by Stanczyk.

**VOTE: YES:** Noble, Stanczyk, Bolan, Jung, Lynn,

**ABSENT:** Holton, Brooks

**NO:** None

#### **11. Tabled Items:**

None

#### **12: Discussion Items:**

None

#### **13. Announcements:**

**A. Rose Township Board Report-Glen Noble:** Questioned why Oak Wilt Tree wasn't on the agenda tonight. Plewes stated it will be in November meeting.

**B. Comments by Township Planner-Brian Borden:** None

**C. Next Regular Planning Commission Meeting:** November 4, 2021, 7:00pm Rose Twp Offices

**D. Next Regular N.O.C.F.A. Meeting:** November 16, 2021, 3:00pm at NOCFA Station #1

**E. Next Regular Township Board Meeting:** October 13, 2021, 7:00pm

**F. Zoning Board of Appeals: November 2, 2021**

**14. Open the Meeting to the Public:**

Julius Stern – Complimented the Board for a good job with the landscape company- Questions the data point for the berm. He spoke with the tree cutters, and they told him they never had plans to cut oaks until after November. Feels it is just making a big deal for certain board members. He feels the board is wasting their time making the ordinances; they should be using an existing ordinance from another township.

Glen Noble – stated he hopes the ordinance is a compilation of other local community documents.

Debbie Miller – Marihuana Ordinance Page 3, 1a. states “permitted on a conforming lot and within a conforming building (principal or accessory) in the AG/RP agricultural and rural preserve district subject to the terms and conditions set forth in this section.” Questions how you pick and choose who is a caregiver? Plewes responded-under every ordinance, rule, zoning restriction, and guideline there are restrictions on the use of their property. In AG, the residential district, you can’t have a car repair shop, so you are restricted to the use of the property in that way. We are not restricting anyone from being a caregiver... we’re saying if you want to be a caregiver here are the rules and requirements, just like if you want to create a wedding barn, you have to have 20 acres and live on the property. If you have a 5 acre parcel you can’t do that, but if you find a 10-acre parcel and you create an accessory building or a building that meets the standards then you can do it. An argument would be “I have an acre and its zoned agricultural.” But the restriction is 20% coverage on the lot. These are things the Planning Commission determine is appropriate use for the land. Under state law you have the right to regulate the use of property in the township. Any ordinance created takes away a property owner’s rights. We are not restricting anyone from being a caregiver, you just have to follow the rules.

**15. Adjournment: 8:53pm**

Motion to adjourn by Lynn. Seconded by Stanczyk. All said aye.

Approved/Corrected

\_\_\_\_\_  
Debbie Miller, MMC, MiPMC II  
Rose Township Clerk

# Forest Pest Alert

## Oak Wilt

(*Ceratocystis fagacearum*)



- Oak wilt kills healthy red oaks. White oaks can also be affected but are more resistant and less vulnerable to mortality from the disease.
- Look for red oaks that suddenly drop their leaves in the summer.
- The disease is spread between trees through roots, by beetles and by the movement of infected firewood.
- DO NOT prune oak trees between April 15 and July 15.
- Oak trees that are suspected of being infected with oak wilt should be reported to the following:

[www.misin.msu.edu](http://www.misin.msu.edu)

[DNR-FRD-Forest-Health@michigan.gov](mailto:DNR-FRD-Forest-Health@michigan.gov)



Learn More:

<http://michigansaf.org/ForestInfo/Health/E3169-OakWilt.pdf>



**Don't Move Firewood!**

## Oak Wilt Information

The Oak Wilt information below is copied directly from the following websites.

**SOURCE: Michigan Department of Natural Resources (DNR)**

[https://www.michigan.gov/dnr/0,4570,7-350-79136\\_79237\\_81077-370911--,00.html](https://www.michigan.gov/dnr/0,4570,7-350-79136_79237_81077-370911--,00.html)

**Why we care:** Oak wilt kills healthy red oaks. White oaks can also be affected but are more resistant and less vulnerable to mortality from the disease. Once a red oak becomes infected with the oak wilt fungus, the tree will die, and there is no treatment to save the infected tree. Once an oak wilt infection is confirmed, however, treatments are available to save surrounding oaks and stop the spread of this disease.

**What is at risk?** All red oaks are susceptible to oak wilt. Red oaks are common urban and suburban landscape trees. The loss of these trees can have a significant negative impact. In the forest, red oaks are also an important producer of acorns for wildlife habitat. Using 2011 Forest Inventory and Analysis data along with the current average stumpage price for red oak sawlogs, it is estimated that the value of red oak timber in Michigan is approximately 1.6 billion dollars.

**The threat:** Oak wilt moves slowly on its own through root systems and travels short distances overland when new spores are moved by beetles from an infected tree to a freshly pruned or injured tree. Oak wilt can be moved long distances when people move infected firewood from one location to another. Look for red oaks that suddenly drop their leaves in the summer. The disease spreads, killing nearby oaks from one year to the next. Currently, oak wilt is generally distributed throughout the Midwest and Texas.

**What can you do?** DO NOT prune oak trees during the growing season. If you need to prune oaks, DO NOT prune them between April 15 and July 15. DO NOT move firewood: oak wilt is spread by the movement of infected wood.

**SOURCE: Michigan Department of Natural Resources (DNR) Bulletin**

<https://content.govdelivery.com/accounts/MIDNR/bulletins/23298e8>

Oak wilt is caused by the fungus *Bretziella fagacearum*. It spreads from tree to tree by underground root contact, through tiny, sap-feeding beetles that carry spores from fungal pads on infected trees into wounds on healthy oaks.

Spores also can be found on recently cut firewood from trees that died of oak wilt. This is one of the reasons why the DNR and other agencies advise against moving firewood.

Oaks in the red oak family, including black oak, northern red oak and northern pin oak, are most susceptible to the disease, which kills trees by interrupting the flow of sap.

Trees in the white oak group are less susceptible because they have a different internal cell structure that prevents rapid spread of the infection through the tree. Trees in the white oak group have rounded leaf edges and include white oak and swamp white oak.



The highest risk of infection occurs from April 15 through July 15, but it is prudent to avoid pruning or injuring oak trees until they have lost leaves for the winter.

If pruning or removing oaks cannot be avoided during the high-risk period, or a tree gets damaged, immediately cover wounds with tree-wound paint or latex-based paint. Treating tree wounds with paint is not usually recommended; doing so to combat oak wilt is the exception.

*One of the paragraphs from above highlighted:*

The highest risk of infection occurs from April 15 through July 15, but it is prudent to avoid pruning or injuring oak trees until they have lost leaves for the winter.

**SOURCE: The College of Agriculture and Natural Resources (CANR) and Michigan State University - Extension**

[https://www.canr.msu.edu/news/stop\\_pruning\\_oak\\_trees\\_now\\_to\\_avoid\\_oak\\_wilt\\_1](https://www.canr.msu.edu/news/stop_pruning_oak_trees_now_to_avoid_oak_wilt_1)

Oak wilt, caused by the fungus *Ceratocystic fagacearum*, is a lethal disease of oaks and has been detected in 56 counties in Michigan. One way oak wilt spreads is through disease spores carried on the bodies of sap beetles as they feed from tree to tree. These sap beetles are attracted to fresh wounds. With warmer weather, oak buds are swelling, signaling the activity of the fungus causing oak wilt and the sap beetles that transmit this deadly disease. All that's missing now is fresh wounds in oak trees.

Homeowners can reduce the risk of oak wilt infections by not pruning or otherwise injuring oaks after April 15. While high risk of infection decreases to lower risk after mid-July, it's prudent to simply avoid pruning oak trees from just prior to bud break to leaf drop. This means April to November.

**SOURCE: Michigan Oak Wilt Coalition**

<https://www.michiganoakwilt.org/>

The **Oak Wilt Coalition** is a partnership between private, nonprofit and governmental organizations. Led by ISA Michigan (formally the Arboriculture Society of Michigan (ASM)), the partnership includes representatives from Michigan State University, Michigan Departments of Transportation, Natural Resources and Agriculture and Rural Development, ReLeaf Michigan, Michigan Forest Association, Michigan Green Industry Association, electric utilities, private companies and others.

## **OAK WILT RISK METER**



Source of Oak Wilt Risk Meter: Michigan Oak Wilt Coalition

COUNTY OF OAKLAND  
CITY OF BLOOMFIELD HILLS

ORDINANCE NO. 443

AN ORDINANCE TO AMEND ARTICLE II, TREE AND WOODLANDS PROTECTION, OF CHAPTER 22, VEGETATION, OF THE BLOOMFIELD HILLS CITY CODE, AS AMENDED, BY ADDING SECTION 22-20 – OAK WILT, SETTING FORTH REQUIREMENTS REGARDING THE MAINTENANCE OF OAK TREES TO PROTECT AGAINST THE SPREAD OF OAK WILT

An ordinance to add Section 22-20 – Oak Wilt to the City of Bloomfield Hills Code of Ordinances that sets forth protective measures to preserve the oak tree population and to prevent and protect against the spreading of Oak Wilt that threatens Bloomfield Hills' trees, woodlots, landscapes, greenbelts, natural areas and right-of-ways.

The City of Bloomfield Hills ordains the addition to the Bloomfield Hills City Code, as amended, Section 22-20 – Oak Wilt, to read as follows:

**Section 1.**

A new Section 22-20 of the City of Bloomfield Hills Code of Ordinances is added as follows:

**Sec. 22-20 Oak Wilt**

- (a) Oak wilt is the systemic, lethal disease of Oak trees (*Quercus spp.*) caused by the fungus *Bretziella fagacearum*.
- (b) Oak trees of any variety shall not be pruned or trimmed between April 1 and October 31 regardless of their location in a public right-of-way, private property, or utility easement.
- (c) Any wounds, whether made by trimming, construction or accident, shall be treated immediately with an acceptable tree pruning sealer or latex paint to mask the exposed wound from contamination. Such repair shall occur as soon as possible, but not more than 48 hours of the time of the injury.
- (d) It shall be the responsibility of the property owner or any contractor to repair or cause to be repaired any oak trees that are inadvertently damaged or injured by storms, construction, accidents, or any other cause between April 1 and October 31. Exposed jagged surfaces shall be removed and sealed in accordance with the preceding subsection.

(e) Trees confirmed with oak wilt shall be the responsibility of the property owner to perform any of the following applicable practices, as approved in advance by the City Manager:

(1) Members of the red oak family which have died of oak wilt shall be removed within 4 weeks.

(2) Members of the red oak family not infected by oak wilt, but potentially root grafted to a tree that was killed or diseased with oak wilt, shall be treated by injection of fungicide.

(3) Members of the white oak family shall be treated with an appropriate tree injection.

(4) Trenching may be a practice in lieu or in addition to injections for oak wilt management.

(5) Dead oak trees will be removed and properly disposed by chipping to less than 3 inches or removed to a disposal site for debarking, burning, or burial. Stumps left by the removal of oak trees shall be promptly removed or buried.

(f) Violations

(1) Any property owner in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of this Code.

(2) The code enforcement officer, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.

(3) Each day's continuance of a violation shall be deemed a separate and distinct offense. Expenses incurred in connection with such action shall be assessed as damages against the violation.

## **Section 2.**

That all other ordinances that are in conflict herewith are repealed.

## **Section 3.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4**

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5**

That the City Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation in the City.

**Section 6**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon publication in the manner prescribed by the Charter of the City of Bloomfield Hills.

AYES: 5 (Hosler, McClure, McCarthy, Baxter, Buckley)

NAYES: 0

ABSTENTIONS: 0

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF OAKLAND    )

I, the undersigned, the duly qualified Clerk of the City of Bloomfield Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No.443 adopted by the City Commission of the City of Bloomfield Hills on the 11th day of February, 2020, the original of which is in my office.

\_\_\_\_\_  
Amy Burton, City Clerk  
City of Bloomfield Hills

# Oak Wilt Prevention and Control Ordinance

PEPP/AIA

Friday, July 15

San Antonio City Arborist

Mark C Bird

## What will be covered:

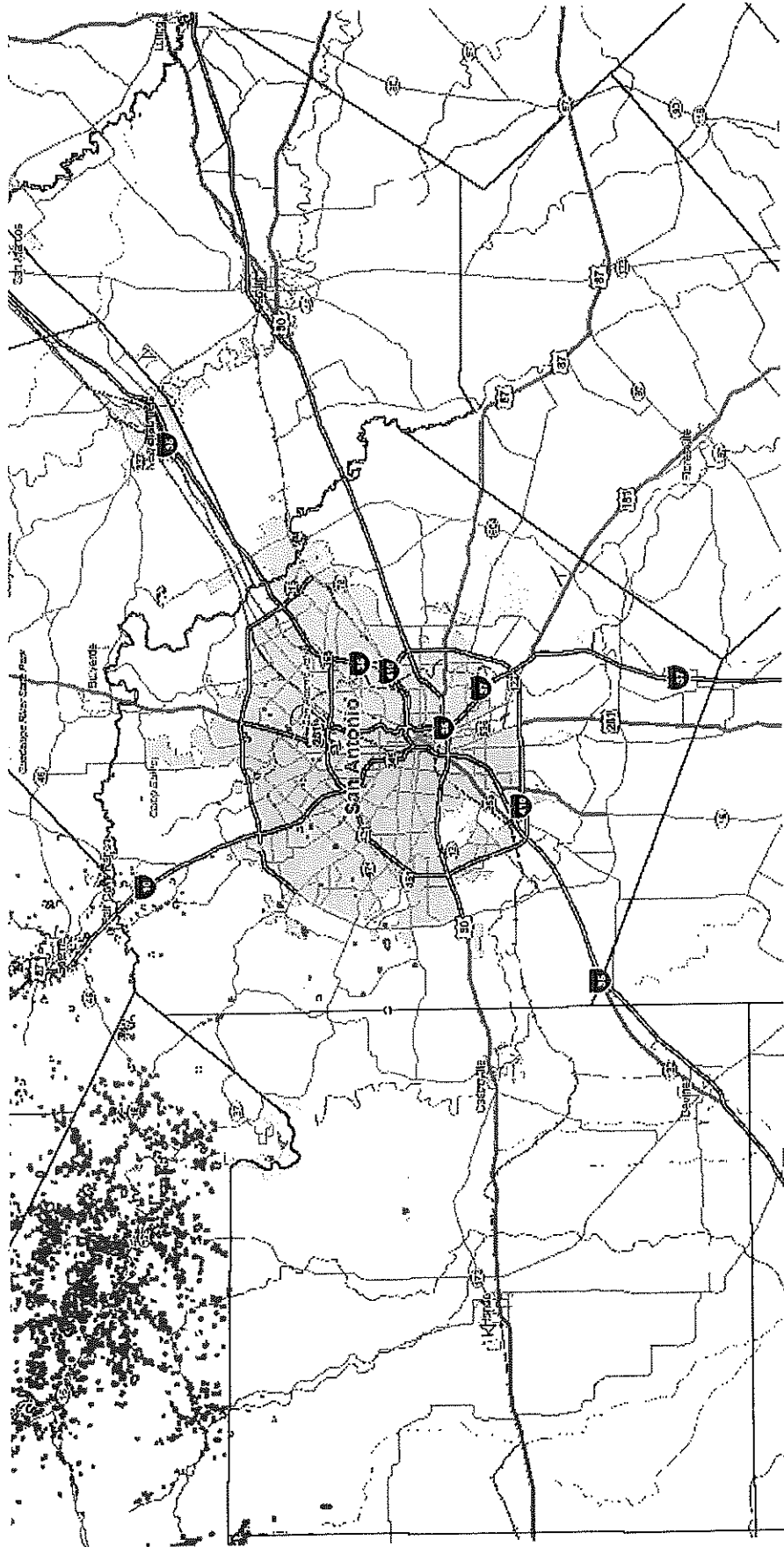
- What we know about Oak Wilt
- Oak Wilt Ordinance
- Tree Maintenance License
- Tree City USA
- CPS & SAWS rebates and programs

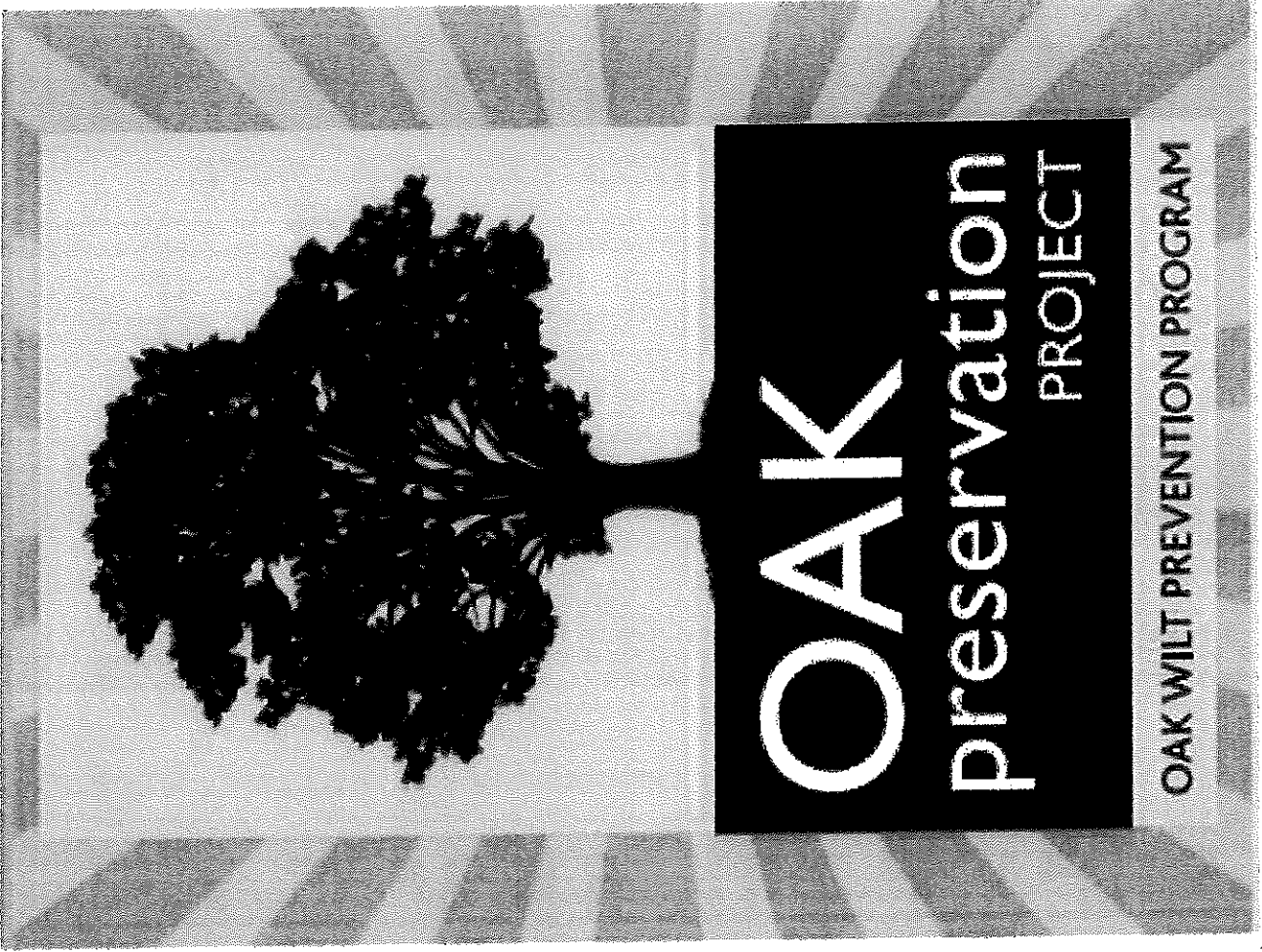
# Who cares about Oak Wilt?





# Oak Wilt in Bexar County





**OAK**  
preservation  
PROJECT

OAK WILT PREVENTION PROGRAM

# What we know about Oak Wilt

- A vascular fungal disease (first noted in 1930?)
- Affects all oak species
- Spreads 2 ways: Above Ground: sap feeding beetle-long distance spread, Below Ground: root grafts-local spread
- Red oak produces fungal mat
- Fungus is temperature sensitive
- Healthy trees just as susceptible (actually more susceptible)
- Likely spread by movement of Oak Wilt infected Red oak firewood with fungal mats

### What is Oak Wilt?

Oak Wilt is a destructive, incurable and deadly fungal tree disease that is a threat to all oak trees, some of our community's most precious natural resources.

### Why should YOU care?

Oak Wilt not only impacts trees it impacts our community. Trees with Oak Wilt generally do not survive. Oak Wilt can affect aesthetics, decrease your property value, and is expensive to manage. Ignoring this disease can be very costly. Prevention is Key.

### How does it SPREAD?

Oak Wilt spreads two ways:

**ABOVE GROUND** through beetles – Diseased red oaks produce fungal mats generally in the spring. These fungal mats attract small beetles and spores become attached to their body. Beetles, which can travel long distances, are then attracted to fresh cuts and other exposed wounds on ALL oak trees.

**BELOW GROUND** through root connections – Live oaks grow in dense groups with interconnected roots and this is how it is most commonly spread. Although less common, it can spread through interconnected roots of red oaks too.



**OAK**  
preservation  
PROJECT

OAK WILT PREVENTION PROGRAM

# Oak Wilt Symptoms

- Large areas of dead and dying oak trees (pattern of mortality)
- Live oaks: leaves can develop characteristic leaf pattern called

## Veinal Necrosis

- Red oaks: large portions of dead and dying branches (flagging or flaring) spread quickly and entire tree. Tree can die in 3 weeks

# Oak Wilt Prevention and Control Ordinance

PEPP / AIA

Friday, July 15

San Antonio City Arborist

Mark C Bird

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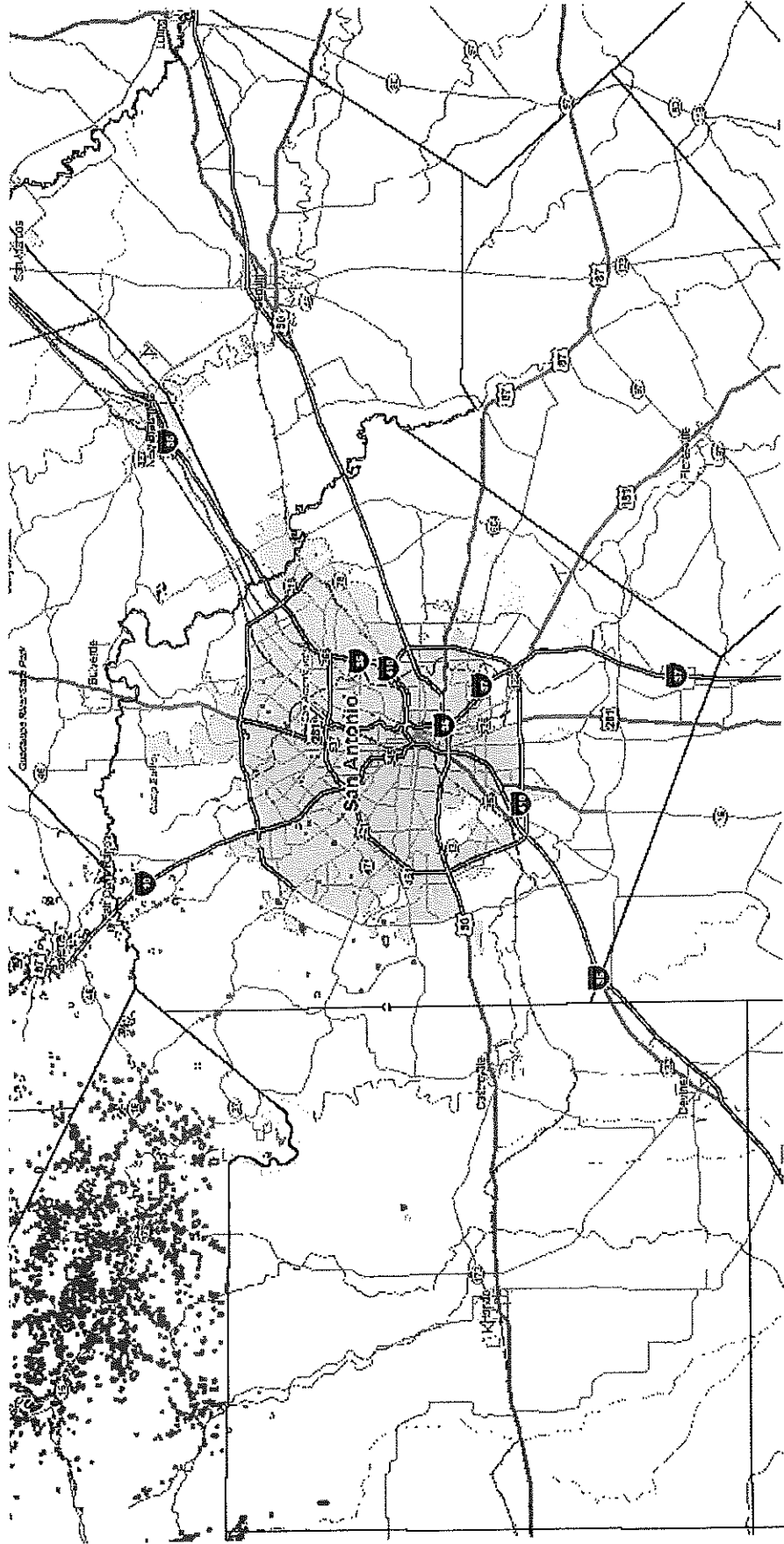
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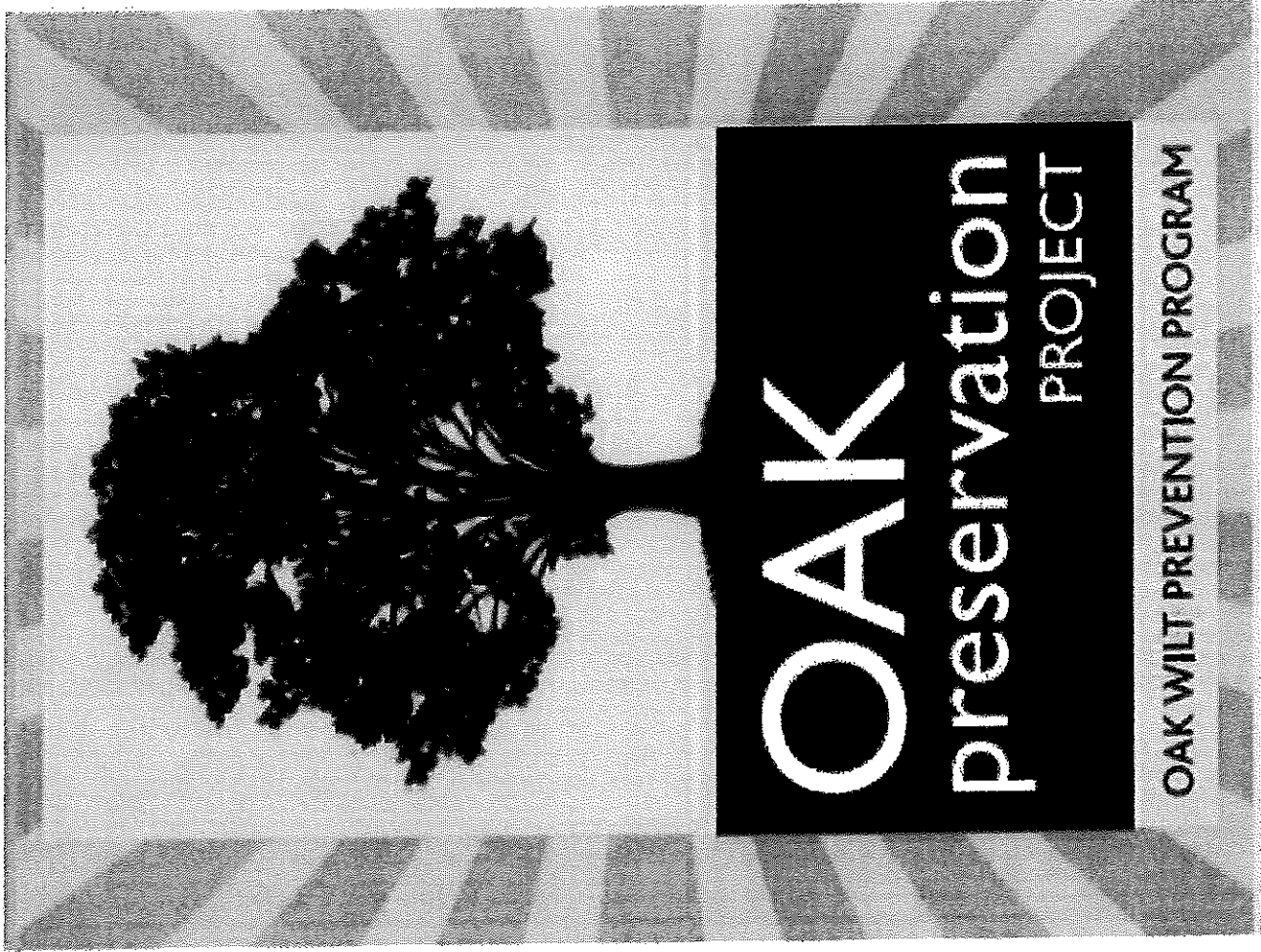
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OAK WILT PREVENTION PROGRAM

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# Foliar Symptoms

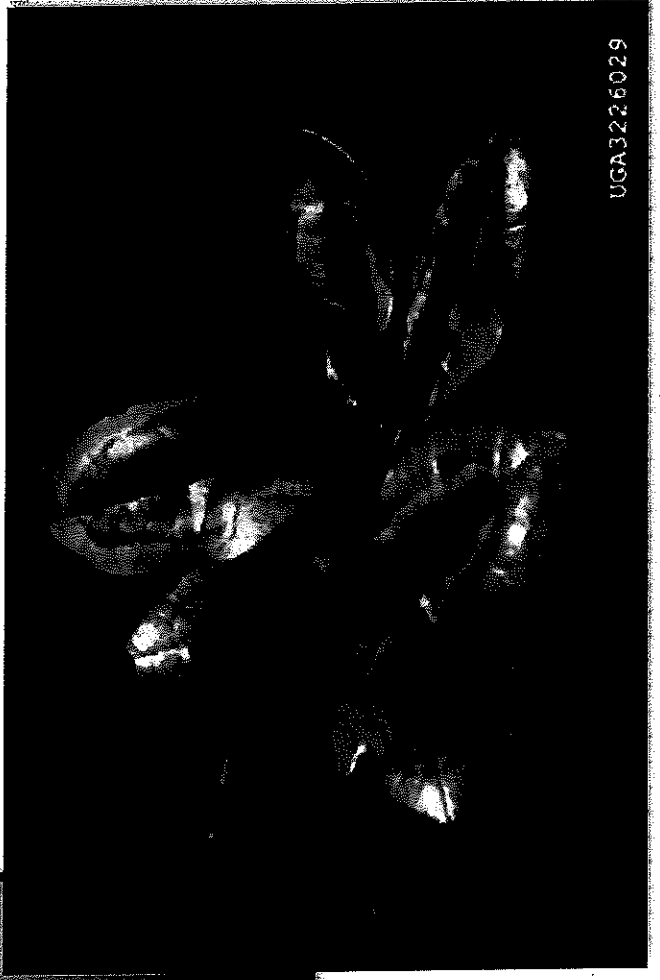
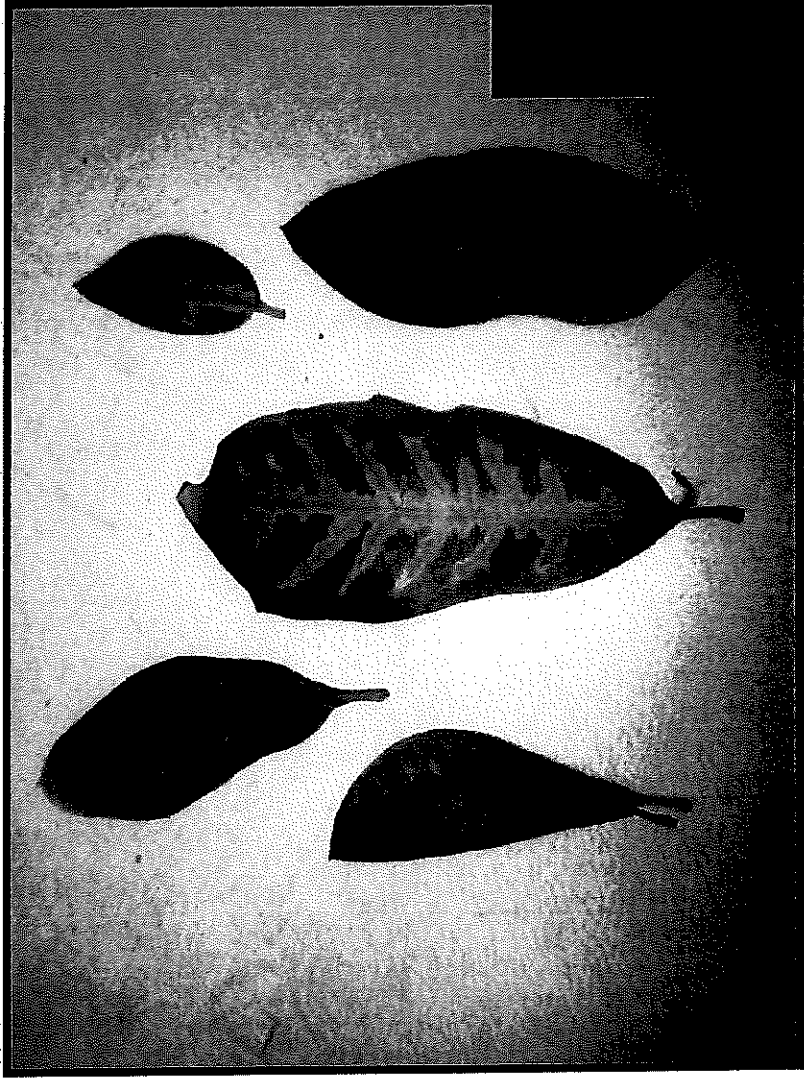
Live oak leaves



Red oak leaves



# Veinal necrosis & Marginal necrosis



UGA3226029

# Oak Wilt Prevention Measures:

- Treat all wounds that expose sapwood, all pruning cuts
- Minimize pruning oak trees Feb. 1 to July 1
- Dis-infect pruning tools between trees
- Don't buy firewood from unknown source



## How to PREVENT Oak Wilt

Oak Wilt prevention is fairly simple and should be taken seriously to prevent further spread of the disease. Prevent new infections by following these steps:

### MINIMIZE

pruning oak trees  
February 1 – June 30

This is the time beetles are most active and fungal mats produce spores.

### DISINFECT pruning tools

Disinfect tools prior to cutting. Use an all-purpose household disinfectant or denatured methyl isopropyl alcohol.

### PAINT wounds immediately

Oak tree wounds need to be painted immediately, regardless of the season, with latex or commercial tree wound paint.

The paint minimizes exposure to beetles.

### ONLY STORE

seasoned firewood  
from known sources.

Oak wilt can be transmitted through unseasoned firewood from diseased red oaks.

## What if you have Oak Wilt infected trees?

- If you suspect Oak Wilt call Texas A&M Forest Service, 210.494.1742
- Fungicide treatment (best applied as a preventative)
- Trenching (break root grafts to prevent below ground spread)

# How to manage Oak Wilt if your trees are already infected

## STOP SPREAD THROUGH ROOTS

Trenching may be an option to break up root connections. To determine if this is the best method, consult with a qualified tree care professional. This type of work can be complex and often requires specific training on Oak Wilt.

## FUNGICIDE TREATMENT

Propiconazole (Alamo™) is a treatment injected (by a certified applicator) into the oak's root flare. The treatment is most effective when applied as a preventative; however, may sometimes be applied after symptoms have been developed.

## PREVENT NEW INFECTIONS

Cut and dispose of diseased red oaks immediately. When planting new trees, choose species that are resistant or immune to Oak Wilt.

## More questions?

or if you suspect your oak trees have Oak Wilt please visit the Texas A&M Forest Service immediately at [texasoakwilt.org](http://texasoakwilt.org) or call (210) 494-1742

# Oak Wilt Ordinance

## **Sec. 21-170. - General requirements.**

- (a) The provisions of this section apply to any person, firm, corporation, business entity, city department, public or private utility to the extent permitted by law.
- (b) All wounds to the trunk, limbs and root system of oak trees in the city that expose sapwood shall be painted within thirty minutes of the wound with asphaltic or exterior oil or latex based paint.
- (c) Firewood from oak wilt infected trees shall not be brought into the city at anytime.

(Ord. No. 97332, § 18, 3-13-03)

# Who should I hire to prune/treat my trees?

- In the City of San Antonio a contractor doing tree work is required to have a city issued Tree Maintenance License
- An ISA Certified Arborist
- An Oak Wilt Qualified Arborist
- TEXASOAKWILT.ORG
- San Antonio Arborist Association: <http://www.sa-aa.com/>
- ISA (International Society of Arboriculture) Find an Arborist:
- <http://www.isa-arbor.com/findanarborist/arboristsearch.aspx>

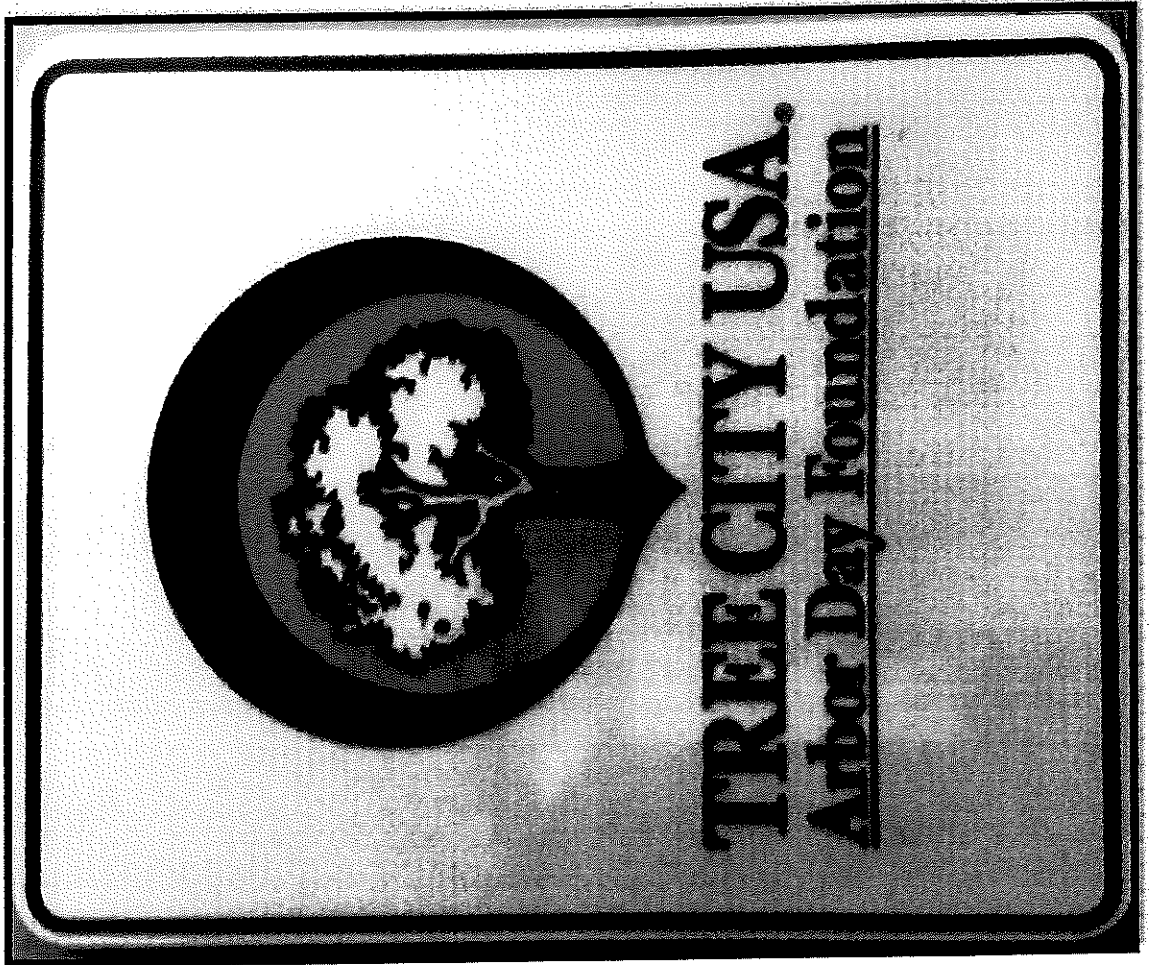
# Goals of Tree Maintenance License

- The ultimate goal is to protect trees by minimizing improper pruning and prevent the spread of diseases such as Oak Wilt
- Provide training and educational opportunities on proper tree care and tree maintenance using the latest practices and techniques
- Provide to the public a database of licensed tree care professionals

# Tree Maintenance License Who Needs One and What are the Requirements:

- Any person or firm in the business or occupation of pruning, treating, or removing trees is required to have a city issued Tree Maintenance License (TML)
- General Liability Insurance in a minimum amount of three hundred thousand dollars (\$300,000.00)
- Successful completion of continuing education credits as approved by the City Arborist
- Inside city limits of San Antonio

**San Antonio is now a Tree City USA**





# Tree City USA Standards

- Standard 1: a department that protects, preserves, plants, and maintains city trees
- Standard 2: a tree ordinance
- Standard 3: a community forestry program with a budget of at least \$2 per capita (San Antonio estimated annual budget \$3.4 million)
- Standard 4: an Arbor Day Proclamation and Observance

# What is Tree City USA and how is it a Benefit to San Antonio

- The Arbor Day Foundation Tree City USA program gives national recognition to our city or its efforts in establishing a healthy, sustainable, urban forestry program
- Recognition as a Tree City USA is a great opportunity to celebrate the importance of our urban tree canopy and improve the care of our city trees by educating our community about the value and benefits provided by trees and our tree canopy
- Trees benefit our city by reducing energy costs and consumption, reduced costs for stormwater management, boosting property values, and increasing a stronger connectivity and sense of community throughout our city

# Did you know about.....

- **CPS Green Shade Tree Rebates:**

<https://www.cpsenergy.com/en/my-home/ways-to-save/rebates-rebate/green-shade-tree-rebate.html>

- *Made in the shade... Planting trees can help you save energy!*
- Trees around your home are not only good for the environment, they create shade that keeps your house cooler and reduces energy use.
- CPS Energy rewards property owners for planting trees at their homes or businesses. Here are the details:
- Trees must be five gallons or larger and from a qualified species list.
- Trees must be purchased between Oct. 1, 2015 and April 30, 2016.
- Applications must be submitted by June 30, 2016, and must include sales receipt for trees purchased.
- Rebates of \$50 for each tree are awarded on a first come, first serve basis -- until program funds are exhausted.
- There is a lifetime limit of five rebates per address.
- Application must include a photocopy of the original sales receipt for trees purchased, as well as a photocopy of a recent CPS Energy bill.

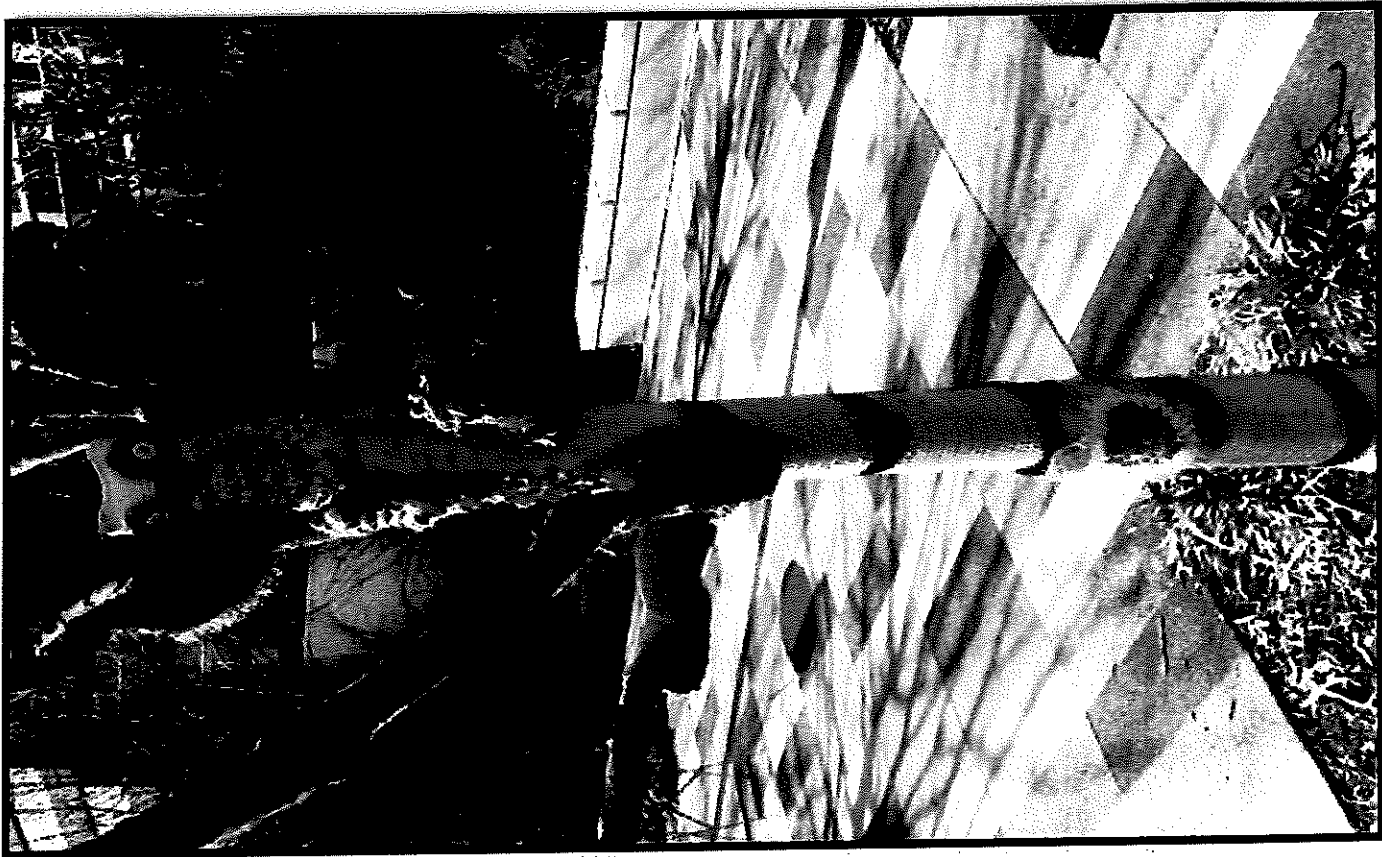
## Did you know about.....

- SAWS RESIDENTIAL OUTDOOR PROGRAMS &

REBATES: <http://www.saws.org/conservation/outdoor/>

- WATERSAVER LANDSCAPE COUPON
- WATERSAVER PATIOSCAPE COUPON
- IRRIGATION DESIGN REBATE
- WATERSAVER IRRIGATION CONSULTATION
- 7 STEPS TO XERISCAPING
- RAINWATER HARVESTING
- WATERSAVER LANDSCAPE CARE GUIDE
- WATERSAVER PLANT LIST

Questions:



# Clerk's Office

(/home.as

## AMENDED OAK WILT RESOLUTION

Whereas, the Charter Township of Bloomfield's trees, woodlots, landscapes, greenbelts, natural areas and right-of-ways, represent a valuable and precious asset, necessary to preserve; and

Whereas, various oak (*Quercus*) species comprise a significant component of this natural and rural forest environment, in some locations as much as 80-90% of the dominant tree species; and

Whereas, the Charter Township of Bloomfield is concerned a deadly disease known as oak wilt caused by the fungus *Ceratocystis fagacearum* is a threat to the Township's oak population. Improper tree trimming/removal practices may result in the establishment of oak wilt disease epicenters, which may lead to increased disease activity with devastating aesthetic and economic losses. It is therefore both advisable and prudent to attempt to prevent and control oak wilt.

The Charter Township of Bloomfield's Board of Trustees hereby resolves the following:

### Tree Care Practices: Oak Wilt Prevention

- Oak trees shall not be pruned or trimmed between April 1 and October 31 regardless of their location. Exceptions include pruning repair for storm damage, construction, utility work, accidents, etc (see item b). However, if temperatures during winter months reach 50 degrees or higher for several days, there is a slim possibility of oak wilt transmission by sap beetles, which may become active during these warming trends. Hence, prudence is advised to tree care companies and homeowners when pruning or trimming oak trees during these warm periods.
- It shall be the responsibility of the property owner, developer, contractor to repair or cause to be repaired any oak trees that are inadvertently injured (by storms, construction, accidents etc.) between April 1 and

October 31, by removal of exposed jagged surfaces followed by prompt sealing with a tree pruning sealer or latex paint. Such repair should take place within 24 to 48 hours of the injury.

- Oaks that exhibit symptoms of oak wilt (see the attached and/or Bloomfield Township's web site) or show signs of decline or death shall be reported to the Roads Division, 248-433-7709.

### **Tree Care Practices: Oak Wilt Management**

- Suspected cases of oak wilt must be reported as soon as observed, to Bloomfield Township's Roads Division, 248-433-7709.
- Any developer, contractor and/or owner(s) of property preparing a site for construction during April 1st through October 31st shall follow strict adherence to the above Oak Wilt prevention practices.
- Trees confirmed with oak wilt shall be the responsibility of the property owner to perform or cause to be performed, one or several of the following practices.
  1. Members of the red oak family, which have died of oak wilt, must be removed within 5 weeks.
  2. Members of the red oak family not infected by oak wilt, but potentially root grafted to a tree that was killed or diseased with oak wilt, should be treated by injection of the fungicide. Members of the white oak family diseased with oak wilt may recover with Alamo tree injections.
  3. Trenching may be a practice in lieu of or in addition to injections for oak wilt management.
  4. Dead oak trees will be removed and properly disposed by chipping to less than 3 inches or removed to a disposal site for debarking, burning or burial. Oak wood retained as firewood will be sealed with a (brown or green) tarp during the warm season, April 1-October 31.
  5. Stumps left by removal of oak trees shall be promptly removed or buried.
  6. Responsibility for oaks in this resolution will reside with the property owner(s). In right-of-way situations the responsibility will reside with Road Commission for Oakland County. In utility easement locations, it shall be the responsibility of the utility company to schedule trimming between November 1 and March 31.

Copies of this resolution shall be forwarded to appropriate State and County representatives, utility companies, as well as Township property owners.

WILMA S. COTTON

TOWNSHIP CLERK



## **HCV Ordinance for Oak Wilt Prevention and Treatment**

**Dear Hill Country Village Residents,**

Oak Wilt is one of the most destructive tree diseases in Texas. Once Oak Wilt affects an area, the devastation can be enormous. With the loss of the trees themselves also comes loss in landscape and property values, enjoyment of nature, and shade protection for houses and outdoor areas. Some of this devastation has occurred right next to Hill Country Village in the City of Hollywood Park. Oak Wilt has drastically changed properties' appearance and has greatly lowered their values upon resale. Experts agree that Oak Wilt is far more easily and cheaply prevented than treated.

How one resident or business cares for their oaks can easily affect their neighbors. Oak Wilt can spread through the root system of Live Oaks, through cutting tools, or from diseased firewood brought into a neighborhood, among other methods.

In October 2018 HCV residents Liz Worley and Melissa Childers-White attended a Tree Management Workshop sponsored by Texas A&M AgriLife Extension Service, which focused on Texas Oak Wilt. We learned that the current HCV Oak Wilt ordinance has some outdated information and is not full-bodied enough to give us the best protection from Oak Wilt.

Salient proposed changes to our current ordinance include:

1. Tree trimming, whether by a resident or by a commercial tree trimmer, will require a permit. These permits will be free to residents, with a fee to commercial entities.
2. Trimming will not be allowed in the months of February through June, with exceptions for danger to life or property or for previously scheduled construction.
3. The city will place an emphasis on educating residents and preventing Oak Wilt. Please watch for articles in the newsletter and periodic short seminars by a tree professional.
4. The appropriate time frame for sealing/spraying a cut in an oak is half an hour, not one hour.

This ordinance will be up for a vote by City Council in the March 21, 2019, meeting.

If you have questions or concerns as you familiarize yourself with the proposed HCV Oak Wilt Ordinance, you are welcome to call Melissa Childers-White at 210/846-4536.

**Sec. 38-403. - Home occupation.**

(a) It is the intent of this section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all residential districts in the township. Home occupations shall be permitted subject to the following conditions:

- 1) No more than 20 percent of the usable floor area of the principal and accessory buildings shall be dedicated to the occupation.
- 2) There shall be no significant traffic volume increase associated with the occupation.
- 3) No storage of materials, goods, supplies or equipment related to the occupation shall be visible from the outside of any structure located on the premises or adjacent premises.
- 4) There shall be no change in the outside appearance of the building or premises, no structural alterations, or visible evidence of the conduct of such occupation.
- 5) No equipment or process shall be used in such occupation, which creates noise, vibration, glare, fumes, toxic/hazardous substances, odors, or electrical interference. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- 6) No more than two clients or customers shall visit the premises at any one time.
- 7) Any need for parking shall be met off the street and in other than the front yard.
- 8) There shall be no exterior advertising.
- 9) These regulations shall not apply to farms or other nonresidential uses allowed in the district.

(b) Medical marihuana home occupation regulations.

- 1) *Intent.* It is the intent of this section to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. (hereinafter "Act") as approved by the electors and not to determine and establish an altered policy with regard to marihuana. These provisions are designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose Rose Township and its residents to significant adverse conditions.

In consideration of this concern, local regulations enumerated below generally provide that: the primary caregiver must reside on the property where his/her medical marihuana is cultivated and/or stored; medical marihuana primary caregiver activity only occur within a single-family dwelling and/or accessory building, as authorized by the Township; and, the distribution and use of medical marihuana occur on the lot occupied by the qualifying patient. Nothing in this

section shall be construed as allowing persons to engage in conduct that endangers other or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and these regulations; and nothing in this section shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.

2) *Definitions.* The following definitions shall apply for the purposes of this section:

*Collective ingestion facility* means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

*Dispensary* means any operation where marihuana is distributed to a qualifying patient by someone other than his/her designated primary caregiver.

*Enclosed locked facility* means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient.

*Marihuana* means the substance defined as such in Section 7106 of the Public Health Code, 1076 PA 368, MCL 333.7106.

*Michigan Medical Marihuana Act or Act* means the Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

*Primary caregiver* means a primary caregiver as defined under MCL 333.26423(h) of the Act, and who has been issued and possesses a registry identification card under the Act.

*Qualifying patient* means a qualifying patient as defined under MCL 333.26423(i) of the Act, and who has been issued and possess a registry identification card under the Act.

*Registry identification card* means the document defined as such under MCL 333.26423(j) of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.

3) *Remainder of article; effect of permit approval.* In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in paragraph (a) above for home occupations shall not be applicable to medical marihuana home occupations. In addition, the issues of a medical marihuana home occupation permit hereunder shall relieve the applicant from any obligation of site plan review or a land use permit for the activity authorized thereunder.

4) *Regulations.*

1) *Medical marihuana home occupation permit requirement.*

- a. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act shall be allowed as a permitted use on a conforming lot and within a conforming building (principal or accessory) in the AG/RP agricultural and rural preserve district subject to the terms and conditions set forth in this section. The growing of marihuana plants outdoors is expressly prohibited. Except as set forth in subsection (e) below, no such cultivation, storage and/or distribution shall be lawful in Rose Township unless and until the location of the premises in which such primary caregiver activity is conducted has received a medical marihuana home occupation permit under this section.
- b. The requirement of this section is to require a permit for a location and not to license persons. A confidential application for a medical marihuana home occupation permit on a form approved by the Township Board shall be submitted to the Zoning Administrator. An application shall:
  1. Not require the name, home address or date of birth of a qualifying patient.
  2. Include the name of the primary caregiver (or medical marihuana home occupation permit holder, if different), and the address of the premises.
  3. Describe the enclosed locked facility in which any and all cultivation of marihuana is proposed to occur or where marihuana will be stored, with such description including the location of the facility in the building.
  4. For safety and other code inspection purposes, describe and provide detailed specifications of equipment proposed to be used to facilitate the cultivation and harvesting of marihuana plants including, but not limited to, lighting, HVAC, electrical service, and plumbing.
  5. Include a description of the odor mitigation systems and a ventilation plan that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation of marihuana from being dispersed or released outside of the building.
  6. Include an operations plan that addresses water use, water discharge, and the disposal of waste, as well as a description of type, quantity, location and method of containment for any herbicides, pesticides, or fertilizers that will be used for growing, cultivating, and harvesting marihuana.
  7. Demonstrate that the applicant holds a valid registry identification card.
  8. Contain such other information as the Township Board determines is needed for the administration of this section or to ascertain satisfaction of the standards for the granting of a permit hereunder.
- c. No application for a permit hereunder shall be approved without payment of a non-refundable application fee to help defer a portion of the cost of administering and enforcing this section. The application fee shall be set by resolution of the Township Board and may be adjusted from time to time thereafter as the Township Board deems appropriate.
- d. It is the intent of this section that the information acquired through the permitting procedure prescribed herein shall be accessible to the Zoning Administrator, Michigan Construction Code, fire code enforcement officials, and law enforcement officials and

their support personnel, in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law.

2. *Requirements and standards for approval of permit and for the activity permitted.*

- a. There shall be not more than one primary caregiver operating upon the lot for which a permit is requested. The primary caregiver shall reside within the dwelling located upon the lot for which a permit is requested. A primary caregiver may assist the number of qualifying patients allowed under the Act with their medical use of marijuana.
- b. The lot for which a permit is requested shall not be located:
  1. Within 1,000 feet of a public or private elementary or secondary school, public or private preschool or licensed daycare facility.
  2. Within 300 feet of public park or public recreational area.
  3. Within 1,500 feet of another lot for which a medical marijuana home occupation permit has been issued pursuant to this section.

Measurements for purposes of this subsection shall be made from the lot line to the public park, public recreational area, or a lot which previously received a medical marijuana home occupation permit.

- c. Subject to the exceptions set forth in subsection (f) below, the medical marijuana primary caregiver activity shall occur only within a single-family dwelling or approved accessory building. The primary caregiver activity shall at all times be subordinate and incidental to the use of the dwelling as a residence.
- d. The primary caregiver shall be allowed to cultivate the number of marijuana plants allowed under the Act for each of his/her qualifying patients. All marijuana and marijuana plants shall be contained inside the main residential structure or an approved accessory building, except when being delivered by the primary caregiver to a qualifying patient off-site.
- e. That portion of the single-family dwelling unit used for the growing, processing, or storage of medical marijuana shall not exceed a gross floor area of 150 square feet.
- f. All medical marijuana must be kept in an enclosed locked facility to which only the registered patient and/or primary caregiver have access.
- g. The primary caregiver shall not distribute or allow the use of marijuana by the qualifying patients he/she is designated to serve upon the lot for which a permit is issued hereunder unless the qualifying patient resides therein.
- h. If a residential room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 10:00 p.m. and 6:00 a.m. shall employ shielding methods to prevent ambient light spillage that causes or creates a distraction or nuisance to any adjacent residential properties.

- i. No equipment or process shall be used in growing, processing, or handling marihuana which creates additional noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line of the property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, broadband, or similar receiver off the premises or cause fluctuation in line voltage off the premises.
- j. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a premises in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation or harvesting of marihuana. Prior to a permit issued hereunder taking effect and the commencement of primary caregiver activities, the premises shall be inspected for compliance with applicable provisions of the Michigan Construction Code and the Michigan Fire Code. The premises shall be inspected annually thereafter for continued compliance with all applicable Zoning Ordinance and construction code and fire code requirements.

Furthermore, the applicant shall submit a load sheet to the Planning, Design and Engineering Department of the applicable energy provider.

The load sheet will determine load limits and capability of the electrical system, and set safety standards such that the growing operation does not impact the electrical service for surrounding properties.

The applicant must include approval of the load sheet from the energy provider as part of its application for an electrical permit. A permit will not be issued without this approval.

The applicant shall be responsible for any costs associated with the preparation and submittal of this information, which is not included in the review fee established by the Township Board for a medical marihuana home occupation permit.

- k. There shall be no sign identifying the premises as a site at which medical marihuana is cultivated, harvested or distributed.
  - l. The primary caregiver activities conducted on the premises for which a medical marihuana home occupation permit is granted hereunder shall be in conformance with the application approved hereunder, the Act, and the administrative rules promulgated pursuant to the Act.
  - m. Nothing in this section shall be deemed to allow dispensaries or collective ingestion facilities, which are hereby strictly prohibited.
- e. *Disclaimer of immunity.* Nothing in this section shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Act and the provisions of this section. Further, nothing in this section shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marihuana or to prevent prosecution thereunder.

f. *Exceptions.* This section shall not be deemed to prohibit or restrict or require a permit for the following:

- 1) The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is received care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
- 2) The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
- 3) The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.

g. *Enforcement.* Any violation of this section shall be considered a civil infraction.

**Sec. 38-403. - Home occupation.**

(a) It is the intent of this section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all residential districts in the township. Home occupations shall be permitted subject to the following conditions:

- 1) No more than 20 percent of the usable floor area of the principal and accessory buildings shall be dedicated to the occupation.
- 2) There shall be no significant traffic volume increase associated with the occupation.
- 3) No storage of materials, goods, supplies or equipment related to the occupation shall be visible from the outside of any structure located on the premises or adjacent premises.
- 4) There shall be no change in the outside appearance of the building or premises, no structural alterations, or visible evidence of the conduct of such occupation.
- 5) No equipment or process shall be used in such occupation, which creates noise, vibration, glare, fumes, toxic/hazardous substances, odors, or electrical interference. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- 6) No more than two clients or customers shall visit the premises at any one time.
- 7) Any need for parking shall be met off the street and in other than the front yard.
- 8) There shall be no exterior advertising.
- 9) These regulations shall not apply to farms or other nonresidential uses allowed in the district.

**(b) Medical marihuana home occupation regulations.**

- 1) Intent. It is the intent of this section to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. (hereinafter "Act") as approved by the electors and not to determine and establish an altered policy with regard to marihuana. These provisions are designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose Rose Township and its residents to significant adverse conditions.

In consideration of this concern, local regulations enumerated below generally provide that: the primary caregiver must reside on the property where his/her medical marihuana is cultivated and/or stored; medical marihuana primary caregiver activity only occur within a single-family dwelling and/or accessory building, as authorized by the Township; and, the distribution and use of medical marihuana occur on the lot occupied by the qualifying patient. Nothing in this



section shall be construed as allowing persons to engage in conduct that endangers other or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and these regulations; and nothing in this section shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.

2) Definitions. The following definitions shall apply for the purposes of this section:

Collective ingestion facility means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

Dispensary means any operation where marihuana is distributed to a qualifying patient by someone other than his/her designated primary caregiver.

Enclosed locked facility means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient.

Marihuana means the substance defined as such in Section 7106 of the Public Health Code, 1076 PA 368, MCL 333.7106.

Michigan Medical Marihuana Act or Act means the Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

Primary caregiver means a primary caregiver as defined under MCL 333.26423(h) of the Act, and who has been issued and possesses a registry identification card under the Act.

Qualifying patient means a qualifying patient as defined under MCL 333.26423(i) of the Act, and who has been issued and possess a registry identification card under the Act.

Registry identification card means the document defined as such under MCL 333.26423(j) of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.

3) Remainder of article; effect of permit approval. In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in paragraph (a) above for home occupations shall not be applicable to medical marihuana home occupations. In addition, the issues of a medical marihuana home occupation permit hereunder shall relieve the applicant from any obligation of site plan review or a land use permit for the activity authorized thereunder.

4) Regulations.

1) Medical marihuana home occupation permit requirement.

a. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act shall be allowed as a permitted use on a conforming lot and within a conforming building (principal or accessory) in the AG/RP agricultural and rural preserve district subject to the terms and conditions set forth in this section. The growing of marihuana plants outdoors is expressly prohibited. Except as set forth in subsection (e) below, no such cultivation, storage and/or distribution shall be lawful in Rose Township unless and until the location of the premises in which such primary caregiver activity is conducted has received a medical marihuana home occupation permit under this section.

b. The requirement of this section is to require a permit for a location and not to license persons. A confidential application for a medical marihuana home occupation permit on a form approved by the Township Board shall be submitted to the Zoning Administrator. An application shall:

1. Not require the name, home address or date of birth of a qualifying patient.
2. Include the name of the primary caregiver (or medical marihuana home occupation permit holder, if different), and the address of the premises.
3. Describe the enclosed locked facility in which any and all cultivation of marihuana is proposed to occur or where marihuana will be stored, with such description including the location of the facility in the building.
4. For safety and other code inspection purposes, describe and provide detailed specifications of equipment proposed to be used to facilitate the cultivation and harvesting of marihuana plants including, but not limited to, lighting, HVAC, electrical service, and plumbing.
5. Include a description of the odor mitigation systems and a ventilation plan that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation of marihuana from being dispersed or released outside of the building.
6. Include an operations plan that addresses water use, water discharge, and the disposal of waste, as well as a description of type, quantity, location and method of containment for any herbicides, pesticides, or fertilizers that will be used for growing, cultivating, and harvesting marihuana.
7. Demonstrate that the applicant holds a valid registry identification card.
8. Contain such other information as the Township Board determines is needed for the administration of this section or to ascertain satisfaction of the standards for the granting of a permit hereunder.

c. No application for a permit hereunder shall be approved without payment of a non-refundable application fee to help defer a portion of the cost of administering and enforcing this section. The application fee shall be set by resolution of the Township Board and may be adjusted from time to time thereafter as the Township Board deems appropriate.

d. It is the intent of this section that the information acquired through the permitting procedure prescribed herein shall be accessible to the Zoning Administrator, Michigan Construction Code, fire code enforcement officials, and law enforcement officials and

their support personnel, in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law.

2. Requirements and standards for approval of permit and for the activity permitted.

a. There shall be not more than one primary caregiver operating upon the lot for which a permit is requested. The primary caregiver shall reside within the dwelling located upon the lot for which a permit is requested. A primary caregiver may assist the number of qualifying patients allowed under the Act with their medical use of marijuana.

b. The lot for which a permit is requested shall not be located:

1. Within 1,000 feet of a public or private elementary or secondary school, public or private preschool or licensed daycare facility.

2. Within 300 feet of public park or public recreational area.

3. Within 1,500 feet of another lot for which a medical marijuana home occupation permit has been issued pursuant to this section.

Measurements for purposes of this subsection shall be made from the lot line to the public park, public recreational area, or a lot which previously received a medical marijuana home occupation permit.

c. Subject to the exceptions set forth in subsection (f) below, the medical marijuana primary caregiver activity shall occur only within a single-family dwelling or approved accessory building. The primary caregiver activity shall at all times be subordinate and incidental to the use of the dwelling as a residence.

d. The primary caregiver shall be allowed to cultivate the number of marijuana plants allowed under the Act for each of his/her qualifying patients. All marijuana and marijuana plants shall be contained inside the main residential structure or an approved accessory building, except when being delivered by the primary caregiver to a qualifying patient off-site.

e. That portion of the single-family dwelling unit used for the growing, processing, or storage of medical marijuana shall not exceed a gross floor area of 150 square feet.

f. All medical marijuana must be kept in an enclosed locked facility to which only the registered patient and/or primary caregiver have access.

g. The primary caregiver shall not distribute or allow the use of marijuana by the qualifying patients he/she is designated to serve upon the lot for which a permit is issued hereunder unless the qualifying patient resides therein.

h. If a residential room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 10:00 p.m. and 6:00 a.m. shall employ shielding methods to prevent ambient light spillage that causes or creates a distraction or nuisance to any adjacent residential properties.

i. No equipment or process shall be used in growing, processing, or handling marihuana which creates additional noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line of the property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, broadband, or similar receiver off the premises or cause fluctuation in line voltage off the premises.

j. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a premises in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation or harvesting of marihuana. Prior to a permit issued hereunder taking effect and the commencement of primary caregiver activities, the premises shall be inspected for compliance with applicable provisions of the Michigan Construction Code and the Michigan Fire Code. The premises shall be inspected annually thereafter for continued compliance with all applicable Zoning Ordinance and construction code and fire code requirements.

Furthermore, the applicant shall submit a load sheet to the Planning, Design and Engineering Department of the applicable energy provider.

The load sheet will determine load limits and capability of the electrical system, and set safety standards such that the growing operation does not impact the electrical service for surrounding properties.

The applicant must include approval of the load sheet from the energy provider as part of its application for an electrical permit. A permit will not be issued without this approval.

The applicant shall be responsible for any costs associated with the preparation and submittal of this information, which is not included in the review fee established by the Township Board for a medical marihuana home occupation permit.

k. There shall be no sign identifying the premises as a site at which medical marihuana is cultivated, harvested or distributed.

l. The primary caregiver activities conducted on the premises for which a medical marihuana home occupation permit is granted hereunder shall be in conformance with the application approved hereunder, the Act, and the administrative rules promulgated pursuant to the Act.

m. Nothing in this section shall be deemed to allow dispensaries or collective ingestion facilities, which are hereby strictly prohibited.

e. Disclaimer of immunity. Nothing in this section shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Act and the provisions of this section. Further, nothing in this section shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marihuana or to prevent prosecution thereunder.

f. Exceptions. This section shall not be deemed to prohibit or restrict or require a permit for the following:

- 1) The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is received care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
- 2) The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
- 3) The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.

g. Enforcement. Any violation of this section shall be considered a civil infraction.