

ORDINANCE NO. _____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE 8 TO ADD SECTION 8.25 TO THE ZONING ORDINANCE, ADDING MEDICAL MARIHUANA FACILITY AND MEDICAL MARIHUANA GROW OPERATION.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Zoning Ordinance, Article 8 is amended to add Section 8.25 as follows:

Section 8.25. Medical Marihuana Facility and Medical Marihuana Grow Operation.

1. Medical Marihuana Facility shall be subject to the following requirements.
 - A. Primary caregivers and/or qualified patients at the facility must be legally registered by the Michigan Department of Community Health (MDCH) to assist qualified patients with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended.
 - B. The facility shall not be allowed within 500 feet of an educational institution, nursery school, or child care center, or another Medical Marihuana Facility or Medical Marihuana Grow Operation.
 - C. The facility shall be available for inspection, during business hours, by the City Manager or the City Manager's designee to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
 - D. The facility shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.
 - E. The facility shall not be permitted to have drive-thru facilities.
 - F. No use of medical marihuana at the facility.
 - G. No patients shall be allowed in facility after hours.
 - H. The parking requirements for a facility shall be consistent with the parking requirements for medical clinics.
 - I. A security plan and floor plan shall be submitted with applications for a facility. The facility shall identify the number of plants, chemical storage, space and other critical

aspects of the layout. The security and floor plan shall be a confidential document by the City exempt from disclosure under the Freedom of Information Act.

J. A waste disposal plan shall be included with all applications for a facility detailing plans for chemical disposal and plans for plant waste disposal.

2. Any Medical Marihuana Grow Operation, in addition to the requirements of subsection 1., shall comply with the following requirements:

A. The grow operation shall be in compliance with Fire Protection Code.

B. The grow operation shall receive OSHA/MIOSHA certifications regarding safety of environment for facility's caregivers.

C. The grow operation shall obtain MDEQ and City of Detroit approval regarding discharge of growing by-products into the city sewer system.

D. The following shall be prohibited:

- i. Storage of toxic, flammable or hazardous materials;
- ii. Discharge of any toxic, flammable or hazardous materials into city sewer system;
- iii. No residential uses within the same building/structure;
- iv. No outdoor storage.
- v. No minors in the facility without a parent and/or guardian.

E. The grow operation shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m., except staff may be at the operation necessary to attend to the grow operation.

F. The parking requirements for a grow operation in M-1 and M-2 Districts shall be consistent with the parking requirements for manufacturing facilities.

G. A security plan and floor plan shall be submitted with applications for a grow operation shall identify the number of plants, chemical storage, space and other critical aspects of the layout. The security and floor plan shall be a confidential document by the City exempt from disclosure under the Freedom of Information Act.

H. A waste disposal plan shall be included with all applications for a grow operation detailing plans for chemical disposal and plans for plant waste disposal.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective seven (7) days after publication.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2010.

CRAIG COVEY, MAYOR

J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2010.

J. CHERILYNN TALLMAN, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE _____

NOTICE IS GIVEN that the City of Ferndale Council has adopted Ordinance No. _____, an ordinance to amend Article 8, to add Section 8.25 to the Ferndale Zoning Ordinance.

This Ordinance shall become effective seven (7) days after publication. This Ordinance was adopted by the City Council on _____, 2010. A complete copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

J. CHERILYNN TALLMAN, CITY CLERK
(248) 546-2384

City of Tawas City

Sec. 18.46. Medical marijuana dispensaries.

Medical marijuana dispensaries shall be permitted in the general business (B-3), districts subject to review and approval by the planning commission, provided that they meet the conditions set forth in this section, and all other provisions of the zoning ordinance.

1. Definitions.

(A) "Debilitating medical condition" means one or more of the following:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS) or the treatment of these conditions.

(2) A chronic or debilitating disease or medical condition its treatment that produces one or more of the following: Cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including, but not limited to, those characteristic of epilepsy; or severe and persistent muscle spasm, including, but not limited to those characteristics of multiple sclerosis.

(3) Any other medical condition or its treatment approved by the department, as provided for in MCL 333.26425.

(B) "Department" means the state department of community health.

(C) "Drug paraphernalia" means all equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as amended), in violation of the laws of the State of Michigan.

(D) "Enclosed, locked facility" means a closet, room or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(E) "Marijuana" means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

(F) "Medical marijuana dispensary" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells or provides, in any manner, marijuana or cannabis or any product containing marijuana or cannabis.

(G) "Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(H) "Physician" means an individual licensed as a physician under Part 170 of the Public Health Code, 1978 PA 368, MCL 333.17001–333.17084, or an osteopathic physician under Part 175 of the Public Health Code, 1978 PA 368, MCL 333.17501–333.17556.

(I) "Primary caregiver" means a person who is at least 21 years of age and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs.

(J) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(K) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

(L) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant.

(M) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.

(N) "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2. Conditions and standards.

(A) No use, which purports to have distributed marijuana prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the zoning ordinance and such use shall not be entitled to claim legal nonconforming status.

(B) Medical marijuana dispensaries shall not be allowed as home occupations.

(C) Cultivation of medical marijuana in a medical marijuana dispensary is only allowed if specifically authorized by a use permit. A use permit is a request to allow a use which is permitted by the zoning ordinance, provided that the use will not cause an adverse impact on adjacent property or properties in the area.

(D) No medical marijuana dispensary shall be located within 1,000 feet of any other medical marijuana dispensary and not within 1,000 feet of any of the following uses:

(1) Any church.

(2) Any school, public or private, having a curriculum including kindergarten or any one or more of the grades one through 12.

(3) Any residential zoned district or any residential use.

(E) All activity related to a medical marijuana dispensary including, but not limited to, growing and dispensing shall be done indoors.

(F) The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.

(G) Medical marijuana dispensaries shall be operated in compliance with the provisions of the department of community health.

(H) Smoking or consumption of medical marijuana shall not be allowed on the site of the dispensary.

(I) No patients under the age of 18 shall be permitted in the dispensary at any time except in the presence of qualifying patient or their primary caregiver.

(J) No retail sales of drug paraphernalia as defined in this ordinance are permitted at the dispensary, except to patients or their designees.

(K) The dispensary shall be operated in compliance with regulations the city may issue regarding security measures, record keeping, proper identification for patients, delivery of medical marijuana by employees of the medical marijuana dispensary to patients who would otherwise not be able to obtain it from a dispensary by reason of physical or mental disability, storage of marijuana on the site, on-site cultivation and the maximum amount that may be dispensed in any single transaction. Such regulations may be modified from time to time as the city deems appropriate.

(L) Each dispensary shall display in a manner legible and visible to its clientele:

(1) Notice that patients under the age of 18 are not allowed in the dispensary except in the presence of his/her parent or guardian;

(2) No consumption of medical marijuana shall occur within the vicinity of the dispensary.

(M) Only operators and their employees, patients, parents or guardians of patients under 18 years of age, and their primary caregiver may be permitted to enter a medical marijuana dispensary for the purpose of obtaining medical marijuana or other goods or products associated with its use.

(N) Medical marijuana dispensaries can grow up to 60 plants.

3. Civil forfeiture. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this ordinance shall be seized and forfeited to the City of Tawas City, Michigan.

Any marhuana, a.k.a. marijuana, sold or possessed with intent to sell in violation of this ordinance shall be seized and forfeited to the City of Tawas City, Michigan.

4. *Compliance required.* Those individuals within the City of Tawas City, Michigan who are "qualifying patients" or "primary caregivers", as those terms are used in the Michigan Medical Marhuana Act, shall comply with the requirements set forth herein for qualifying patients in subsection 5., and for primary caregivers in subsection 6., of this section.

5. *Requirement for qualifying patients.* A person within the City of Tawas City, Michigan who has been issued and possesses a registry identification card as a qualifying patient as set forth in MCL 333.26421, shall comply with the following requirements:

(A) Consumption of marhuana shall not occur in any public place.

(B) Growing of marhuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

6. *Requirements for primary caregiver.* A person within the City of Tawas City, Michigan who has been issued and possesses a registry identification card as a primary caregiver as set forth in MCL 333.26421, shall comply with the following requirements:

(A) Growing of marhuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

(B) The location from which a primary caregiver provides services to a qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.

(C) The location from which a primary caregiver grows, cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver's services as allowed under the Michigan Medical Marhuana Act.

(D) The location from which a primary caregiver provides services to a qualifying patient shall not be within 1,000 feet of a drug-free school zone and shall only occur as set forth in the Zoning Ordinance of the City of Tawas City, Michigan.

(E) Cultivation/growing or distribution of marhuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.

(F) No consumption of marhuana shall occur at a primary caregiver's location for cultivation/growing, or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient/primary caregiver.

7. *Violations and penalties.* Any person who violates a provision of this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or imprisonment in the county jail for a period not to exceed 90 days. Further, a person who violates the provisions of this ordinance in addition to penalties set forth herein, shall be presumed to be operating a nuisance per se and shall be subject to suit or injunction to enjoin further conduct.

(Ord. No. 301, §§ 4--7, 6-21-2010; Ord. No. 302, § 1, 6-21-2010)

**CITY OF NILES, MICHIGAN
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 442

An Ordinance to regulate those individuals within the City of Niles, Michigan that are qualified patients or acting as primary caregivers pursuant to the provisions of the Michigan Medical Marihuana Act.

THE CITY OF NILES, MICHIGAN ORDAINS:

SECTION 1 FINDINGS. The City of Niles, Michigan adopts this Ordinance based on the following findings of fact:

1. Voters in the State of Michigan approved the referendum authorizing the use of marihuana for certain medical conditions.
2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and distribute marihuana and to assist specific registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marihuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation / growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and /or activity and this threat affects the health, safety and welfare of the residents of the City of Niles, Michigan.

It is the intention of the City Council of the City of Niles, Michigan that nothing in this ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation / growing, distribution or consumption of marihuana that is otherwise illegal.

SECTION 2 PURPOSE. It is the purpose of this Ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or a “primary caregiver” as those terms are defined in MCLA 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct of activity pursuant thereto in the City of Niles, Michigan so as to protect the health, safety and welfare of the general public.

SECTION 3 DEFINITIONS. For purposes of this Ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008.

SECTION 4 **COMPLIANCE REQUIRED.** Those individuals within the City of Niles, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein for qualifying patients, Article V, for primary caregivers, Article VI.

SECTION 5 **REQUIREMENTS FOR QUALIFYING PATIENTS.** A person within the City of Niles, Michigan who has been issued and possesses a registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq. shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.
2. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

SECTION 6 **REQUIREMENTS FOR PRIMARY CAREGIVER.** A person within the City of Niles, Michigan who has been issued and possesses a registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

1. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.
2. The location from which a primary caregiver provides services to a qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.
3. The location from which a primary caregiver grows, cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver’s services as allowed under the Michigan Medical Marihuana Act.
4. The location from which a primary caregiver provides services to a qualifying patient shall not be within 1,000 feet of a drug-free school zone and shall only occur as set forth in the Zoning Ordinance of the City of Niles, Michigan.
5. Cultivation / growing or distribution of marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
6. No consumption of marihuana shall occur at a primary caregiver’s location for cultivation / growing, or a primary caregiver’s legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient / primary caregiver.

SECTION 7 **VIOLATIONS AND PENALTIES.** Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by fines and /or imprisoned. Further, a person who violates the provisions of this ordinance in addition to penalties set forth herein shall be presumed to be operating a nuisance *per se* and shall be subject to suit or injunction to enjoin further conduct.

SECTION 8 SEVERABILITY. If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

SECTION 9 EFFECTIVE DATE. This Ordinance shall become effective twenty days after the date of its enactment.

Adopted this 11th day of May, 2009.

Proposed by: Council Member: Weimer

Supported by Council Member: Arndt

Roll Call Vote:

Ayes: ALL

Nays:

Abstain:

Motion Carried:

Motion Defeated:

ORDINANCE DECLARED ENACTED:

This Ordinance was enacted by the City Council of the City of Niles, State of Michigan on the 11th day of May, 2009 and approved by its Mayor and Clerk on said date.

CITY OF NILES, MICHIGAN

By: _____
Michael T. McCauslin
Mayor

By: _____
Ruth Harte
Clerk

**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

**AN ORDINANCE AMENDING SECTION 3.08 OF
ARTICLE III OF ORDINANCE NO. 543, AS AMENDED,
KNOWN AND CITED AS "THE CITY OF LIVONIA
ZONING ORDINANCE."**

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 3.08 of Article III of Ordinance No. 543, as amended, is hereby amended to read as follows:

Section 3.08 District Regulations. Each district, as created in this article, shall be subject to the regulations contained in this ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited. Waiver uses, because of their nature, require special restrictions and some measure of individual attention in order to determine whether or not such uses will be compatible with uses permitted by right in the district and with the purposes of this ordinance. Waiver uses are therefore prohibited uses unless a waiver of such prohibition is reviewed and findings submitted by the City Planning Commission as provided in this ordinance and approved by the City Council.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1229**

THE CITY OF ROSEVILLE ORDAINS:

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

Section 1. The City of Roseville Zoning Ordinance is hereby amended to add Section 1909 as follows:

Medical Marihuana Dispensaries shall be permitted in OS, B-1, B-2, B-3, I-1, and I-2 districts subject to review and approval by the Planning Commission, provided that they meet the conditions set forth in this section.

1. Definitions

(a) "Debilitating medical condition" means one or more of the following:

- (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS), or the treatment of these conditions.
- (2) A chronic or debilitating disease or medical conditioner its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
- (3) Any other medical condition or its treatment approved by the department, as provided for in MCL333.26425.

- (b) "Department" means the state department of community health.
- (c) "Drug paraphernalia" means all equipment, products and materials of any kind, which is used, intended for use, or designed for use. In planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as Amended), in violation of the laws of the State of Michigan.
- (d) "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- (e) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
- (f) "Medical marihuana dispensary" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis.
- (g) "Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- (h) "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.
- (i) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- (j) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

- (k) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.
- (l) "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.
- (m) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.
- (n) "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2. Conditions and Standards

- (a) No use, which purports to have distributed marihuana prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the Zoning Ordinance and such use shall not be entitled to claim legal nonconforming status.
- (b) Medical Marihuana Dispensaries shall not be allowed as home occupations.
- (c) Cultivation of medical marihuana in a Medical Marihuana Dispensary is only allowed if specifically authorized by a Use Permit. A Use Permit is a request to allow a use which is permitted by the Zoning Ordinance provided that the use will not cause an adverse impact on adjacent property or properties in the area.
- (d) No Medical Marihuana Dispensary shall be located within 1,000 feet of any other Medical Marihuana Dispensary nor within 1,000 feet of any of the following uses:
 - (1) Any Church.
 - (2) Any School, public or private, having a curriculum including kindergarten or any one or more of the grades one through twelve.
 - (3) Any residential zoned district or any residential use.

- (e) All activity related to a Medical Marihuana Dispensary including but not limited to growing and dispensing shall be done indoors.
- (f) The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.
- (g) Medical Marihuana Dispensaries shall be operated in compliance with the provisions of the Department of Community Health.
- (h) Smoking or consumption of medical marihuana shall not be allowed on the site of the Dispensary.
- (i) No patients under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of qualifying patient or their primary caregiver.
- (j) No retail sales of drug paraphernalia as defined in this ordinance are permitted at the Dispensary, except to patients or their designees.
- (k) The Dispensary shall be operated in compliance with regulations the City may issue regarding security measures, record keeping, proper identification for patients, delivery of medical marihuana by employees of the Medical Marihuana Dispensary to patients who would otherwise not be able to obtain it from a dispensary by reason of physical or mental disability, storage of marihuana on the site, on-site cultivation and the maximum amount that may be dispensed in any single transaction. Such regulations may be modified from time to time as the City deems appropriate.
- (l) Each Dispensary shall display in a manner legible and visible to its clientele:
 - (1) Notice that Patients under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;
 - (2) No consumption of medical marijuana shall occur within the vicinity of the Dispensary.
- (m) Only operators and their employees, patients, parents or guardians of patients under 18 years of age, and their primary caregiver may be permitted to enter a Medical Marihuana Dispensary for the purpose of obtaining medical marihuana or other goods or products associated with its use.
- (n) Medical marihuana dispensaries can grow up to sixty (60) plants.

3. Civil Forfeiture

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville, Michigan.

Any marihuana aka marijuana sold or possessed with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville Michigan.

Section 2. Repealer. Any section herein that is in conflict is hereby repealed.

Section 3. Severability. If any word, clause, sentence, paragraph or provision of this ordinance is deemed to be invalid by a court of competent jurisdiction, such word, clause, sentence, paragraph or provision so designated shall be deemed severable and the remaining provisions of the ordinance shall be deemed fully enforceable.

Section 4. Effective Date. The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.

JOHN CHIRKUN, Mayor

Attested:

RICHARD STEENLAND, City Clerk

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. 1229 was adopted by the City Council of Roseville, assembled in regular session on October 13, 2009. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Eastsider* on October 21, 2009.

RICHARD STEENLAND, City Clerk

Village of Lake Isabella

1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654

ORDINANCE 2010 – 04 HOME OCCUPATIONS & MEDICAL MARIJUANA

The Village of Lake Isabella hereby ordains:

SECTION 1 PURPOSE

The purpose of this Ordinance is to adopt a comprehensive update of the requirements set forth in the zoning code relating to home occupations and home businesses, along with adopting regulations pertaining to the Michigan Medical Marihuana Act.

SECTION 2 CHAPTER 1272 OF THE CODIFIED ORDINANCES CREATED:

Chapter 1272 of the Codified Ordinances of the Village of Lake Isabella is created as shown in “*Exhibit A*” of this Ordinance. With the adoption of Chapter 1272, subsection 1262.09(11) is hereby repealed and subsection 1262.09 renumbered to reflect the deletion.

SECTION 3 : MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES PROHIBITED

Chapter 1212 of the Codified Ordinances of the Village of Lake Isabella is hereby amended to include two new subsections as shown in “*Exhibit B*.”

SECTION 4 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5 ORDINANCES REPEALED

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 6 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance

and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned, President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2010-04 "*Home Occupations & Medical Marijuana*" of the Village of Lake Isabella, was adopted in the following manner with at least two weeks elapsing between the introduction of the Ordinance before the Village Council and the enactment by the Village Council at _____ meeting of the Lake Isabella Council, offered by councilmember _____, and seconded by councilmember _____.

Planning Commission Introduction	July 13, 2010
Planning Commission Public Hearing	August 2, 2010
Planning Commission Recommendation	
Village Council Introduction	
Village Council Public Hearing	
Village Council Enactment	

The vote on this Ordinance was taken by roll-call with the "yeas" and "nays" recorded as such.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated at Lake Isabella, Michigan, this _____ day of _____.

Village Council President
Dave Torgerson

Village Clerk
Jeffrey P. Grey

EXHIBIT A

1272.01 USE/APPROVAL TABLE:

District	Home Occupation	Level 1 Home Business	Level 2 Home Business
Lake Residential 1	O	Z	S
Lake Residential 2	O	Z	S
Airport Residential	O	Z	S
Multi-Family Residential	O	X	X
Airport Commercial	O	O	Z
West Coldwater Business	O	O	Z
East Coldwater Business: Ground Floor	X	X	X
East Coldwater Business: Above ground floor	O	X	X
Agriculture	O	O	Z
Commercial	O	O	Z
Light Industrial	X	X	X
Open Space Recreational	X	X	X

- O = Permitted by right (No additional review or approval required)
 Z = Permitted by Approval of the Zoning Administrator
 S = Special Land Use (Planning Commission Approval)
 X = Not Permitted

1272.03 CLASSIFICATION TABLE

The following series of criteria are established to determine what classification a home based activity falls into. Based on upon the responses to the criteria in the table below, the activity will be classified by the most intense use with Home Occupation being the least intense and a Level 2 Home Business being the most intense:

Criteria	Home Occupation	Level 1 Home Business	Level 2 Home Business
I will prepare food for sale in my home	N	N	Y
I will have customers or clients visit my home	N	Y	Y
I will have a sign advertising my business at my home	N	Y	Y
On average I will have 3 or more delivery visits to my house per week	N	N	Y
I will have employees working from my home.	N	Y	Y
I will have at least 1 employee, but not more than 2 employees working from	N	Y	N

my home			
I will have more than 2 employees, but not more than 5 employees working from my home	N	N	Y
The only business use of my home will be that of an office for my off-site business activity.	Y	N	N
Not more than 20% of the habitable floor space of my dwelling will be used for business or non-residential purposes	Y	Y	N
At least 20%, but not more than 40% of the habitable floor space of my dwelling will be used for business or non-residential purposes	N	N	Y
I will use an accessory structure in the operation of my business	N	N	Y
My business is that of an art studio and gallery where my work is created, displayed and sold; or where I provide instruction in arts, crafts, or music to not more than 2 students at a time	Y	N	N

1272.05 PROHIBITED HOME OCCUPATIONS AND HOME BUSINESSES:

The following occupations are prohibited as home occupation or as a home business:

1. Animal Processing or Butchering (This does not include Taxidermy)
2. The repair, painting, detailing or sale of motorized vehicles. This includes but is not limited to the following items; automobiles, trucks, motorcycles, snowmobiles, watercraft, tractors, and lawn equipment.
3. Kennels
4. Animal training or grooming
5. Barber shops, beauty salons, nail salons, and tanning salons
6. Medical or dental offices.
7. Restaurants
8. Welding or machine shops
9. Bed & Breakfasts

1272.07 PROHIBITED ACTIVITIES FOR HOME OCCUPATIONS AND HOME BUSINESSES:

The conditions and activities are prohibited for all home occupations and home businesses:

1. The maximum amount of habitable floor space allowed for non-residential purposes shall be 40%.
2. Commercial grade lawn equipment, construction equipment, heavy equipment, farm machinery, and landscaping supplies are not permitted to be stored at the home unless the following conditions are met:
 - A. The parcel size is 2 acres or greater
 - B. All equipment and supplies are stored inside a primary or accessory structure.

- C. Equipment repairs and maintenance shall be done inside and be limited to those items owned by the business.
3. There will be no changes to exterior of the home to lessen the residential character of the structure.
 4. To establish a home occupation or home business, the home must be the primary residence of the proprietor of the business.
 5. Home occupations and home businesses shall not make noise, vibration, smoke, dust, odor, heat, or electrical interference with surrounding structures.
 6. No home occupation or home business shall have deliveries or customer/client visits between the hours of 8 PM and 8 AM.
 7. Walk-in retail or trade is not permitted.
 8. The outdoor storage or display of items supportive of the home occupation or home business is prohibited.
 9. All parking associated with the home occupation or home business shall occur off-street.

1272.09 CONDITIONS OF REVIEW

For home businesses which require the review and approval of either the Zoning Administrator or the Planning Commission, the following conditions of review shall apply:

1. Adequate off-street parking has been provided for with independent spaces for each employee.
2. A floor plan has been submitted which shows the area of the home to be used for non-residential purposes.
3. For businesses which require additional inspections from health, safety, or building officials final approval by the Village of Lake Isabella shall not occur until all other inspections and approvals have been obtained a documentation submitted to the Zoning Administration.
4. For home businesses which require review as a Special Land Use, the conditions of review of Chapter 1262, in addition to the conditions of this Chapter, shall apply. This includes the Planning Commission's requirement to hold a public hearing, notify surrounding properties as required in the Michigan Zoning Enabling Act, the Planning Commission's right to impose conditions on approval, and the Planning Commission's ability to require a performance guarantee of the applicant.

1272.11 MEDICAL MARIJUANA REGISTERED PRIMARY CAREGIVERS

A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health as established under the Michigan Medical Marijuana Act (MMMA) is hereby classified as a home occupation and exempted from the requirements of the use classification table found in this Chapter, and shall be allowed to operate as a home occupation with no additional review and approval by the Village of Lake Isabella provided the following conditions are met:

1. The use of marijuana shall at all times comply with the conditions and circumstances established by the MMMA.
2. The registered primary caregiver is operating at his or her primary residence.
3. A registered primary caregiver must be located outside of a one-thousand foot (1,000') radius from any parcel with a school or child care center.

4. A maximum of two (2) total registered primary caregivers shall be permitted to serve qualifying patients on any single parcel.
5. A maximum of one visit per day, per qualifying patient, is permitted between the hours of 8 AM and 8 PM.
6. All medical marijuana ready for use shall be contained within the primary structure of the parcel, in an enclosed, locked area inaccessible on the exterior of the structure with devices which limit access to only the registered primary caregiver.
7. The outdoor growth and/or cultivation of medical marijuana plants is prohibited.
8. All medical marijuana plants cultivated shall be contained within a fully enclosed legally existing primary or accessory structure locked and inaccessible on the exterior except by devices which restrict access to only the registered primary caregiver.
9. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between 10 PM and 7 AM shall employ shielding methods which prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.

1272.13 LICENSE AND INSPECTION

Home businesses shall be annually licensed by the Village of Lake Isabella and may be inspected by the Zoning Administrator once every three years. The Village Council may by resolution set a nominal fee to be charged for the annual license to cover expenses incurred with enforcing this Chapter.

1272.15 REVOCATION

If any resident living within 300 feet of a home occupation or home business believes that it is being conducted in violation of this Chapter or believes the home occupation or home business being conducted is detracting from the residential character of the neighborhood, the resident may submit a petition for the home occupation or home business to cease and desist. If the Zoning Administrator is unable to resolve the problem informally between the resident and proprietor of the home occupation or home business, the matter will be placed on the agenda of the Board of Zoning Appeals for a public hearing upon the submission of a fee equal to that of the least expense residential variance application fee. On the basis of evidence introduced at this hearing, the Board may require the home occupation to cease and desist or impose additional restrictions or conditions on the conduct of the business.

EXHIBIT B

1212.59 MEDICAL MARIJUANA DISPENSARIES

Facilities or uses where three or more registered primary caregivers operate and/or provide services for compensation or membership fee on a single parcel under the Michigan Medical Marihuana Act (MMMA), or supplied registered primary caregivers with medical marijuana is hereby classified as a marijuana dispensary and such is prohibited in the Village of Lake Isabella.

1212.61 MEDICAL MARIJUANA CULTIVATION FACILITY

The cultivation of marijuana in the Village of Lake Isabella shall be limited to registered primary caregivers as defined in the Michigan Medical Marijuana Act (MMMA) and shall be permitted only in an enclosed, locked structure. Any parcel in the Village of Lake Isabella where more than 144 marijuana plants are grown or cultivated at any one time shall be considered a marijuana cultivation facility and such is prohibited in the Village of Lake Isabella.

AMENDMENT TO ARTICLE IV – CHAPTER 38
OF THE ORDINANCES
OF THE CITY OF STURGIS

An ordinance to amend Article IV of Chapter 38 by adding Section 38-91 regulating certain acts by individuals within the City of Sturgis, Michigan that are qualified patients or primary caregivers as defined by the Michigan Medical Marihuana Act.

WHEREAS, the City Commission has determined that it is in the best interests of the residents of the City to regulate certain acts by individuals who are qualified patients or primary caregivers as defined by the Michigan Medical Marihuana Act based upon the following findings:

1. Voters in the State of Michigan approved a referendum authorizing the use of marihuana for certain medical conditions.
2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marijuana and to assist specific registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstance.
3. Despite the specifics of the state legislation and the activities legally allowed us as set forth herein, marihuana is still a construed controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growing, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and/or activity and this threat affects the health, safety and welfare of the residents of the City of Sturgis, State of Michigan.

It is the intention of the City that nothing in this ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

NOW, THEREFORE, The City of Sturgis, St. Joseph County, Michigan ordains:

Article IV, Section 38-91, Chapter 38 Medical Marihuana Manufacturing and Distribution is hereby added and is to provide as follows effective _____, 2010:

Sec 38-91 Medical Marihuana Manufacturing and Distribution

I. PURPOSE. It is the purpose of this ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or “primary caregivers” as those terms are defined in MCL 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct pursuant thereto in the City of Sturgis, Michigan so as to protect the health, safety and welfare of the general public.

II. DEFINITIONS. For the purposes of this ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCL 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008 unless defined otherwise herein.

1. Manufacturing as used in this Ordinance means the growing/cultivating of medical marihuana.

2. Distribution as used in this ordinance means the act of a primary caregiver delivering medical marihuana to a qualifying patient with whom the primary caregiver is associated through the Department of Public Health’s registration process

III. COMPLIANCE REQUIRED. Those individuals within the City of Sturgis, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein.

IV. REQUIREMENTS FOR QUALIFYING PATIENTS. A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.

2. Manufacturing and storage of medical marihuana by a qualifying patient shall only occur at the residence of the qualifying patient or other location permitted by this ordinance and shall only be allowed inside of an enclosed, locked facility which shall be a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control of the qualifying patient through written lease, contract or deed.

3. A qualifying patient may also possess on his person and under the qualifying patient’s exclusive control an amount of medical marihuana deemed medically necessary

to alleviate the condition that gave rise to the qualifying patient's registration with the Department of Public Health.

4. If a qualifying patient intends to manufacture and store medical marihuana at a location other than his or her primary residence, the same shall only occur at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis and shall not be within 1000 feet of a:

- A) Drug-free school zone
- B) Church
- C) Child care facility
- D) Residence or district zoned for residential use

5. Manufacturing and storage of medical marihuana by a qualifying patient shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.

V. REQUIREMENTS FOR PRIMARY CAREGIVER. A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

1. Manufacturing and storage of medical marihuana shall only be allowed inside of an enclosed, locked facility being a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control, through written lease, contract or deed, in favor of the primary caregiver or the qualifying patient with whom the primary caregiver is associated through the Department of Public Health's registration process.

2. Manufacturing and storage of medical marihuana by a primary caregiver shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.

3. Under no circumstances shall any third parties other than a qualified patient to whom a primary caregiver is lawfully registered to assist have access to the location where medical marijuana is being manufactured and/or stored.

4. The location from which a primary caregiver distributes medical marihuana to a qualifying patient shall be under the exclusive control, through written lease, contract or deed in favor of the primary caregiver.

5. Except for manufacturing and storage of medical marihuana that occurs at property under the exclusive control, through written lease, contract or deed in favor of a qualifying patient, a primary caregiver shall only manufacture and store medical

marihuana at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis.

6. The location from which a primary caregiver manufactures stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.

7. Except for manufacturing, storage and distribution that occurs at the primary residence of a qualifying patient as set forth above, the location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be within 1000 feet of a:

- E) Drug-free school zone
- F) Church
- G) Child care facility
- H) Residence or district zoned for residential use

8. Manufacturing, storage and distribution of medical marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available and shall only occur as otherwise in compliance with the Zoning Ordinance of the City of Sturgis, Michigan.

9. No consumption of medical marihuana shall occur at a primary caregiver's location for manufacturing, storage or distribution or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient/primary caregiver.

10. Distribution of medical marihuana by a primary caregiver to a qualifying patient shall only occur at the location of manufacturing and storage of medical marihuana or at the residence of the qualifying patient.

11. A primary caregiver shall annually register with the Sturgis Police Department the location where the primary caregiver shall engage in the manufacturing, storage and distribution of medical marihuana and the location shall be subject to an annual administrative inspection to ensure compliance with this Section. All information obtained through the registration process that would be deemed confidential pursuant to the Michigan Medical Marihuana Act shall be confidential and shall not be subject to disclosure pursuant to the Freedom of Information Act.

VI. SEVERABILITY. The invalidity of any clause, sentence, paragraph or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

VII. VIOLATIONS AND PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance shall be punished for each offense, upon conviction of a misdemeanor by a fine of not more than \$500.00 and

costs of prosecution, or by imprisonment for a period not exceeding 90 days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to continue shall constitute a separate offense.