

CHAPTER 19 MEDICAL MARIJUANA

**AN ORDINANCE TO AMEND THE VILLAGE OF CENTRAL LAKE ZONING
ORDINANCE TO AUTHORIZE MEDICAL MARIJUANA**

THE VILLAGE OF CENTRAL LAKE ORDAINS

Section 1. Amendment of Section 2.02

Section 2.02 of the Village of Central Lake Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

Enclosed, locked facility: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Marijuana or marihuana: That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106

Medical Use: That term as defined in Section 2 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Primary caregiver: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Qualifying Patient: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Section 2. Amendment of Article 3.

Article 3 of the Village of Central Lake Zoning Ordinance is hereby amended to add a new Section 3.16, which shall read in its entirety as follows:

Section 3.16 Medical Use of Marijuana

19.1 Intent and Purpose: With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq, the Village of Central Lake Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this

section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

19.2 Regulations of Qualifying Patients: The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building is hereby recognized as an accessory use to the principal residence use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

- a) The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- b) All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
- c) If a room with a window within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

19.3 Regulations for Primary Caregivers: The medical use of marijuana by a primary caregiver is hereby authorized as a use by right within a dwelling or an accessory building in any zoning district, provided that all of the following regulations are met:

- a) The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of MMMA.
- b) The primary caregiver must obtain a zoning permit under Section 10.02 of this Ordinance.
- c) Except when being transported as provided in subsection I below, all marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the primary caregiver.
- d) If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways

- e) Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or accessory building. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same dwelling or accessory building.
- f) Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients may be present at the same time at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services for purposes unrelated to primary caregiver services.
- g) Qualifying patient visits to a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall be restricted between the hours of 8:00 a.m. and 8:00 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h) No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- i) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to qualifying patients shall be packaged so the public cannot see or smell the marijuana.

- j) No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.
- k) A dwelling or a accessory building in which a primary caregiver is providing primary caregiver services qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parents or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposed unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- l) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have signage that would indicate the nature of the primary caregiver services being conducted in the dwelling or accessory building.
- m) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not be located within 500 feet of any other dwelling or accessory building in which primary caregiver services is being provided to qualifying patients, shall not be located within 500 feet of a lot on which any church or place of worship or library and their accessory structures are located, and shall not be within 1,000 feet of a lot on which any of the following uses are located:
 - a. Any public or private school, having curriculum including kindergarten through twelve grade and its accessory structures.
 - b. Any preschool, child care or day care facility and its accessory structures.

- c. Any public facility, such as museums, parks, playgrounds, public beaches, community centers, and other public place where children congregate.

- n) The portion of the dwelling or accessory building in which primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

19.4 Relationship to Federal Law:

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 3. Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Village.