

**Chapter 864**  
**Medical Marihuana**

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CROSS REFERENCES
A Local Government View of the Michigan Medical Marihuana Act, Gerald A. Fisher, October 5, 2010;
2009 Michigan Administrative Code: 2009 AC, R 333.101 et seq.
Michigan Medical Marihuana Act, MCL 333.26421 et seq.

**864.01 INTENT**

It is the intent of this ordinance to protect the health, safety and welfare of persons in this community while authorizing permitted uses of medical marihuana as set forth in the Michigan Medical Marihuana Act (MCL 333.26421 et seq. (the Act)). This ordinance shall in no way prevent otherwise lawful activity that may be described in the Act or the Department of Community Health Regulations, 2009 Administrative Code: 2009 AC, R 333.101 et seq. or the amendment of said Act or Regulations.

**864.02 DEFINITIONS**

The words and phrases contained within this Ordinance shall be interpreted and construed in accordance with the definitions set forth in the Michigan Medical Marihuana Act, MCL 333.26421, et seq., and Michigan Administrative Rules, R 333.101, et seq.

**864.03 LICENSURE REQUIREMENTS**

Activities of a Licensee under this Ordinance shall only occur in accordance with this Ordinance and only after the licensure of the business of a Caregiver at a particular location. A Licensee shall fully comply with the requirements of the Act and Administrative Rules promulgated pursuant to the Act (MCL 333.26421 et seq. and 2009 Administrative Code: 2009 AC, R 333.101 et seq.)

**864.04 APPLICATION FOR LICENSE**

A. The requirement of this ordinance is to license a location and not to license persons. No license will be necessary for a patient who is growing and possessing marihuana of 12 plants or less for personal use. A confidential application for a license under this section shall be submitted the City of Manistee Police Department and shall be in a form as prescribed by the City of Manistee Police Department. The Application and all accompanying information shall be confidential and not subject for disclosure under the Freedom of Information Act.

- B. Requirements and standards for approval of licensure and for the activity permitted.
  - 1. Location shall not be within 250 feet from the site of any other caregiver location.
  - 2. Any Location where more than 13 plants are cultivated shall not be within 1,000 feet from a public or private elementary school, middle school, high school, or community college.Measurements for purposes of this sub-section shall be made from property boundary to property boundary.
- C. All medical marihuana cultivation shall occur within the confines of a building licensed under this section, and such activities shall occur only in locations not visible to the public and adjoining uses, provided, this subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence.
- D. An approval of licensure may include reasonable conditions requested in writing by the application during the application and review process.
- E. All use of the property shall be in accordance with the granted license.

**864.05 RESTRICTION ON DISTRIBUTION**

A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marihuana only on a confidential, one-on-one basis, within the patient's private residence.

**864.06 NO VESTED RIGHTS**

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

**864.99 PENALTY**

Whoever violates any provision of this chapter is guilty of a civil infraction in accordance with Section 202.99.

(Ord. 11-03 adopted 5-4-11)