

**Village of Kalkaska
Ordinance No. 2016-005**

Title: Medical Marihuana Zoning Ordinance

THE VILLAGE OF KALKASKA ORDAINS:

That Title XV, Land Usage, Chapter 152, Zoning Code, Section 152.45, Medical Marihuana, be added to read in its entirety as follows:

§152.45. Medical Marihuana

A. Definitions. The following words and phrases shall have the following meaning:

- (1) Primary Caregiver Facility
A Primary Caregiver Facility means a facility where medical marihuana is grown and/or distributed by a primary caregiver and which is the primary residence of that primary caregiver.
- (2) Medical Marihuana Cultivation Facility
Medical Marihuana Cultivation Facility means a facility where medical marihuana is grown by a primary caregiver or a qualified patient other than the primary residence of a primary caregiver or qualified patient.
- (3) All definitions contained in the Michigan Medical Marihuana Act. MCL 333.2642, et seq., are incorporated here.

B. Primary Caregiver

A Primary Caregiver Facility is allowed in the R1, R1A, R2, R3 and R4 zoning district(s) if it complies with the following:

- (1) The Primary Caregiver shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (2) All medical marihuana plants cultivated by each primary caregiver or qualifying patient shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or the qualifying patient.
- (3) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- (4) All lighting, and associated equipment, such as but not limited to grow lamps, grow lights, ballasts, switches, controllers, and any other electrical or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal

Communications Commission (“FCC”), including but not limited to FCC Part 15 and FCC Part 18. Further, there must be no harmful and/or interfering electromagnetic emissions with either one-way or two-way electronic communications, on or off the premises.

- (5) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- (6) A Primary Caregiver Facility shall not be located within 1,000 feet of a location where children may be or are present at a daycare facility, church, synagogue, mosque, or other religious temple, and from a recreational park or recreational facility, a public community center, a public or private nursery, pre-school, elementary school, middle school, high school, community college, and all other schools that have different name references, public library, and any public event where children may be present. Measurements for purposes of this section shall be made between the closest property lines.
- (7) A Primary Caregiver Facility shall have a business license from the Village Clerk and if the applicant is not the owner of the lot, such license application shall include the property owners’ consent to the use of the lot as a Primary Caregiver Facility.
- (8) The facility is operated by a person allowed to possess medical marihuana under the Act and contains no more marihuana plants than are allowed for that person.

C. Medical Marihuana Cultivation

A Medical Marihuana Cultivation Facility is allowed in the Commercial (C), Industrial (I), and Medical (MD) zoning districts if it complies with the

following:

- (1) Medical Marihuana Cultivation shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (2) All medical marihuana plants cultivated by each primary caregiver or qualifying patient shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or the qualifying patient.
- (3) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- (4) All lighting, and associated equipment, such as but not limited to grow lamps, grow lights, ballasts, switches, controllers, and any other electrical or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal

Communications Commission ("FCC"), including but not limited to FCC Part 15 and FCC Part 18. Further, there must be no harmful and/or interfering electromagnetic emissions with either one-way or two-way electronic communications, on or off the premises.

- (5) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- (6) A Primary Caregiver Facility shall not be located within 1,000 feet of a location where children may be or are present at a daycare facility, church, synagogue, mosque, or other religious temple, and from a recreational park or recreational facility, a public community center, a public or private nursery, pre-school, elementary school, middle school, high school, community college, and all other schools that have different name references, public library, and any public event where children may be present. Measurements for purposes of this section shall be made between the closest property lines.
- (7) A Medical Marihuana Cultivation Facility shall not be located within 1,000 feet of a location where children may be or are present at a daycare facility, church, synagogue, mosque, or other religious temple, and from a recreational park or recreational facility, a public community center, a public or private nursery, pre-school, elementary school, middle school, high school, community college, and all other schools that have different name references, public library, and any public event where children may be present. Measurements for purposes of this section shall be made between the closest property lines.
- (8) A Medical Marihuana Cultivation Facility shall have a business license from the Village Clerk and if the applicant is not the owner of the lot, such license application shall include the property owners' consent to the use of the lot as a Medical Marihuana Cultivation Facility.
- (9) The facility is operated by a person allowed to possess medical marihuana under the Act and contains no more marihuana plants than are allowed for that person.
- (10) No transfer of medical marihuana shall occur at such a facility.

Publication and Recording. This ordinance or summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Kalkaska qualified under State law to publish legal notices immediately after its adoption, and the same shall be recorded in the minutes of the Village of Kalkaska of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. The effective date of this Ordinance shall be 20 days after its enactment or after its publication, whichever occurs first, as provided by law.

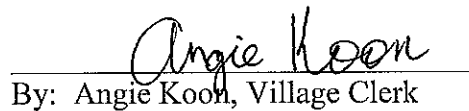
Ayes: *President Sieting; Trustees Banko, Ellis, Needham, North, Sanborn and White.*

Nays: *None*

Absent: *None*

ORDINANCE DECLARED ADOPTED.


By: Jeff Sieting, Village President


By: Angie Koon, Village Clerk

Date: *March 14, 2016*

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Kalkaska, County of Kalkaska, State of Michigan, at a regular meeting held on March 14, 2016 that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on March 24, 2016 in the following newspaper: Kalkaska Review.


Angie Koon, Village Clerk