

**CITY OF IONIA
NOTICE OF PUBLIC HEARING**

Ordinance No. 539 – Zoning – Medical Marihuana Facilities

PLEASE TAKE NOTICE: The Ionia City Council will hold a Public Hearing at 7:00 PM, Tuesday, March 5, 2019 in the Council Chamber of City Hall, 114 North Kidd Street, Ionia, Michigan 48846, for the purpose of receiving comments on proposed Ordinance No. 539 which, if approved amends Chapters 1240 and 1286 of the City Code (Michigan Medical Marihuana Act) and adds a new Chapter 1289 to the City Code (Michigan Medical Marihuana Facilities Licensing Act).

Comments regarding the proposed ordinance may be offered at the Public Hearing or may be mailed to Jason Eppler, City Manager, at the City Hall address or via e-mail to jeppler@ci.ionia.mi.us prior to the Public Hearing. Questions about the proposed ordinance may be directed to Mr. Eppler at (616) 527-5776.

The following is a **synopsis** of the proposed ordinance that will be the subject of the Public Hearing (a complete copy of the proposed ordinance may be viewed at City Hall during normal business hours or on the homepage of the City’s website at www.cityofionia.org):

AN ORDINANCE TO AMEND CHAPTERS 1240 ENTITLED GENERAL PROVISIONS AND DEFINITIONS AND 1286 ENTITLED MISCELLANEOUS REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA AND TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF IONIA BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 1289 ENTITLED MEDICAL MARIHUANA FACILITIES OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE

THE CITY OF IONIA HEREBY ORDAINS:

PART TWELVE – PLANNING AND ZONING CODE

Title Six – Zoning

Chapter 1240 – General Provisions and Definitions

1240.11 (1) K. shall be amended by deleting the following:

~~–K. The medical use of marihuana, to the extent made lawful by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq., as amended, in any dwelling unit, subject to the following conditions:~~

- ~~1. No marihuana plants shall be cultivated in any structure other than an enclosed locked facility as that term is defined by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq. and this ordinance. No marihuana plants shall be cultivated in any structure other than an enclosed locked facility as that term is defined by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq. and this ordinance, which is built and maintained in a manner consistent with applicable building and property maintenance code.~~

- ~~2. No more than 25% of the floor area of a dwelling unit, or 500 square feet, whichever is less, shall be used for cultivation of marihuana plants.~~
- ~~3. Outdoor cultivation shall not be visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure.~~
- ~~4. No transfer of delivery of marihuana shall occur unless consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~

1240.11 (1) shall be amended by deleting the following:

~~(60a) Marihuana Facility: Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term "marihuana facility" does not include those medical marihuana accessory uses conditionally permitted by division (1)K. of this section or a location where a primary caregiver is assisting one of their qualifying patients with the medical use of marihuana, consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~

~~(60b) Marihuana Facility: Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term Marihuana Facility does not include those medical marihuana accessory uses conditionally permitted by Section [1240.11\(1\)\(K\)](#).~~

Chapter 1286 – Miscellaneous Regulations

1286.10 Retitle this Section as follows:

MARIHUANA FACILITIES. MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 et seq., as amended (MMMA)

1286.10 (a) and (b) shall be repealed and replaced in its entirety as follows:

~~(a) Marihuana Facility, Defined. Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term "marihuana facility" does not include those medical marihuana accessory uses conditionally permitted by Section [1240.11\(1\)K](#). or a location where a primary caregiver is assisting one of his or her qualifying patients with the medical use of marihuana, consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~

~~(b) Marihuana Facility, Prohibited. Marihuana facilities are prohibited in all zoning districts.~~

(a) The medical use of marihuana as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended is permitted in accordance with all requirements of the MMMA and any rules promulgated by the Department of Licensing and Regulatory Affairs of the State of Michigan.

(b) The following shall apply to the medical use of marihuana as permitted and regulated by the MMMA:

(1) A qualifying patient who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner provided that the qualifying patient possesses an amount of marihuana that does not exceed a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents in the form of marihuana-infused products, and if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, the qualifying patient may possess 12 marihuana plants, and any incidental amount of seeds, stalks, and unusable roots, kept in an enclosed, locked facility, as defined herein.

(2) A primary caregiver who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with the MMMA. The privilege from arrest applies only if the primary caregiver presents both his or her registry identification card and a valid driver license or government-issued identification card that bears a photographic image of the primary caregiver. The privilege from arrest applies only if the primary caregiver possesses marihuana in forms and amounts that do not exceed any of the following:

A. For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.

B. For each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility as defined herein, and any incidental amount of seeds, stalks, and unusable roots.

Chapter 1289 – Medical Marihuana Facilities

Title Six – Zoning shall be amended by adding a new Chapter 1289 which shall be entitled Medical Marihuana Facilities and contain the following specific section headings:

CHAPTER 1289 MEDICAL MARIHUANA FACILITIES

1289.01 APPLICABILITY.

Defines the applicability of Chapter 1289.

1289.02 PURPOSE.

Defines the purpose of Chapter 1289.

1289.03 DEFINITIONS.

Defines specific terms as used in Chapter 1289.

1289.04 AUTHORIZATION OF FACILITIES AND FEE.

Authorizes specified medical marihuana facilities in the City and sets the annual operational fee paid to the City for a medical marihuana facility.

1289.05 DEVELOPMENT REQUIREMENTS.

Establishes specific development requirements (zoning) for medical marihuana facilities.

1289.06 OPERATIONAL REQUIREMENTS.

Establishes specific operational requirements for medical marihuana facilities, depending on operational class.

1289.07 OPERATIONAL REGULATIONS THAT APPLY TO ALL MEDICAL MARIHUANA FACILITIES.

Establishes operational requirements for medical marihuana facilities, regardless of operational class.

1289.08 APPLICATION AND PROCESSING PROCEDURES.

Requires the development of an application for applying for a special land use permit for obtaining approval to operate a medical marihuana facility and the procedure for processing an application.

1289.09 STANDARDS FOR APPROVAL.

Establishes standards to be followed by the Planning Commission in determining if a special land use permit should be granted for a medical marihuana facility.

1289.10 VARIANCES.

States that the application for a variance from Chapter 1289 shall be in accordance with Chapter 1244 of the City Code.

1289.11 CHANGE OF OWNERSHIP, LICENSEE, OR LOCATION

Establishes the standards and procedure to be followed when processing a change in ownership, licensee or location of a medical marihuana facility.

1289.12 VIOLATIONS AND PENALTIES

Makes violation of Chapter 1289 a nuisance per se subject to the provisions of Section 202.99 of the City Code (municipal civil infraction).