

Article V. - Ordinance No. 402

MEDICAL MARIHUANA FACILITIES

(Adopted November 7, 2016, Amended January 8, 2018)

Chapter 18 "Businesses"

Article V. "Medical Marijuana Facilities"

Section 18-401 –Definitions.

The following words shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Act" shall mean the Michigan Medical Marihuana Act, Act 283 of 2008 and amended in 2016, MCL 333.26421, *et. seq.*

"City" means the City of Center Line.

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

"Medical Marijuana Facility" means a facility occupied by more than one Primary Caregiver.

"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 patients" debilitating medical condition.

"Primary Caregiver" means a person who is registered with the State of Michigan Department of Community Health to assist "Qualifying Patients," with the medical use of medical marijuana.

"Qualifying Patient" means a person who has obtained a valid registration card from the Michigan Department of Community Health allowing them to possess and purchase medical marijuana.

Sec. 18-402 - Purpose and intent.

Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession on marijuana not in strict compliance with that Act and the General Rules.

Also, since Federal law is not affected by that Act or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, Primary Caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

It is determined necessary for health, safety and welfare of the City to adopt this article regulating the location and operation of registered "Primary Caregivers" due to the following factors:

- (1) It is in the public welfare to establish local standards to ensure that the procedures utilized under the Michigan Medical Marihuana Act are compatible with the character of the community.
- (2) The location of, and easy access to, registered "Primary Caregivers" in close proximity to homes, apartments, schools, churches, licensed day care centers and public parks give an impression of legitimacy to such uses have adverse effects upon children, established family relations, property values and public safety.
- (3) The regulation is intended to preserve the character of the community, and protect the citizens from any dangers associated with the growth of the medical marihuana.
- (4) Outside the purview of the Michigan Medical Marihuana Act the possession and use of marihuana (a Schedule I Drug) in the State of Michigan remains a misdemeanor offense. Possession with intent to deliver, delivery or manufacture of marihuana, remains felonies.
- (5) Marihuana is classified federally as a "Schedule I Drug" under the Controlled Substances Act and is illegal to possess, manufacture, distribute or dispense. Schedule I Drugs have a high potential for abuse and serve no legitimate medical purpose in the United States.

Sec. 18-403 - General.

(a) A Primary Caregiver may grow, store, manufacture and cultivate medical marijuana in a residential district for not more than five Qualifying Patients and the Primary Caregiver only, subject to the following conditions:

(1) The Primary Caregiver or the Qualifying Patient must live in and be the permanent resident of the dwelling. Not more than one Primary Caregiver shall be permitted to service Qualifying Patients in a dwelling;

(2) The activity is solely confined to the areas of a residential property as provided for in the Michigan Medical Marihuana Act;

(3) No marijuana is sold or offered for sale on the premises, except as is produced on the premises by the Primary Caregiver for the Qualifying Patient(s) only;

(4) No internal or external alterations or construction features or equipment, not customarily found in residential areas, are permitted;

(5) Space for the activity shall not occupy more than 400 square feet of the dwelling;

(6) No sign advertising the activity shall be displayed;

(7) The activity shall not generate noise or odors offensive to the neighborhood;

(8) The activity shall not interfere with the permitted uses in the neighborhood or make the premises unsuitable for residential use;

(9) The activity will not cause a reduction in property values in the area;

(10) The dwelling of a registered Primary Caregiver must be located outside of a 400-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;

(11) The dwelling shall not be within 400 feet of the property line of any church, house of worship or other religious facility or institution;

(12) The dwelling shall not be within 400 feet of any public park, publicly owned building or recreational area commonly used by children; and

(13) The dwelling shall not be within 400 feet of another "Primary Caregiver".

- (14) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 9 p.m. to 9 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

Sec. 18-404 - Medical Marijuana Facility Requirements.

The operation of a Medical Marijuana Facility is subject to the following requirements:

- (1) A Medical Marijuana Facility shall be located in a building only within the M-1 or M-2 zoning districts as set forth in Center Line's Zoning Ordinance, subject to the following conditions and setbacks:
 - (a) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical marijuana.
 - (b) Must be 400 feet or more from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 - (c) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from the property line of any church, house of worship or other religious facility or institution.
 - (d) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from of any public park, publicly owned building or recreational area commonly used by minor children.
- (2) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act of 2008 (MCL 333.26421) and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (3) All Primary Caregivers must possess a valid registration card issued by the Michigan Department of Community Health and shall at all times comply with each and every provision of the Michigan Medical Marihuana Act.

- (4) The Medical Marihuana Facility shall obtain, and at all times maintain a City of Center Line business license under Sec. 18-76, Chapter 18 before providing care.
- (5) The hours of operation shall be restricted to between 9 a.m. and 9 p.m., Monday thru Sunday.
- (6) The Medical Marihuana Facility shall be subject to inspection by law enforcement, city building officials and members of the Michigan Department of Community Health during the hours of operation.
- (7) The portion of the Medical Marihuana Facility, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with the applicable Michigan Fire Protection Code.
- (8) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the Medical Marijuana Facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- (9) No alcoholic beverage shall be sold, conveyed or consumed on the premises of any Medical Marijuana Facility. Nor shall any person be present on the premises of a Medical Marijuana Facility while intoxicated and/or under the influence of alcohol or any controlled substance.
- (10) Persons under the age of 18 years of age are not permitted to be on the premises of any Medical Marijuana Facility unless they possess a valid medical marijuana registry card issued by the State of Michigan or another state.
- (11) A Primary Caregiver must maintain a list of its Qualifying Patients by registration number with the State of Michigan. This list is subject to inspection during business hours by members of law enforcement and by members of the Michigan Department of Community Health.
- (12) All litter must be removed from the premises, including the parking lot, sidewalk and all areas visible to the public at least twice daily.
- (13) It shall be in violation of this ordinance for any Primary Caregiver to employ any person to assist in the growth, storage, manufacture or cultivation of marijuana.

(14) Every Primary Caregiver must comply with all local, county and state laws. No marihuana shall be grown or dispensed in any location within the City of Center Line except in strict compliance with the terms and conditions of this Ordinance.

(15) Each Primary Caregiver shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, storage and destruction of evidence, and any other unspecified costs for the failure to comply with the provisions of this article resulting in the arrest and prosecution of any employees, owners or patrons.

Sec. 18-405. - Criminal penalty.

Any person violating any of the provisions of this article and any of the articles stated within, shall upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than \$250 and up to 90 days in jail, plus the revocation of the business license issued by the City.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-13 of the Code of Ordinances of the City of Center Line, unless a different penalty is expressly provided in this ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Center Line inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Center Line this 7th day of November, 2016, became effective November 26, 2016.