

**VILLAGE OF VERMONTVILLE
COUNTY OF EATON, MICHIGAN**

Minutes of a regular meeting of the Village Council of the Village of Vermontville, County of Eaton, Michigan, held in the Village Hall, 121 Eastside Drive, Vermontville, Michigan, on the 14 day of February, 2012, at 7:00 p.m., Local Time

PRESENT: Patrick, Schultz, Jorgensen, Villanueva, Sheridan, Kinjan
ABSENT: Ø

The following ordinance was offered by Jorgensen and supported by Villanueva.

**ORDINANCE NO. 2012-03
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE VILLAGE OF VERMONTVILLE
[Medical Marihuana]**

THE VILLAGE OF VERMONTVILLE ORDAINS:

Section 1. Amendment to Definitions. Section 6.14 of Chapter 6 of the Zoning Ordinance of the Village of Vermontville is hereby amended by the addition of the following

terms and their definitions, added in alphabetical order to the existing Definitions:

MMMA. The Michigan Medical Marihuana Act; Public Act 2008, Initiated Law 1, as amended from time to time.

MMMA General Rules. The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA, as amended from time to time.

Marihuana. Also known as Marijuana, also known as Cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7105, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to Marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the MMMA General Rules.

Medical Use of Marihuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marihuana or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA. The Medical Use of Marihuana shall not be considered a commercial, personal service or retail use, farm or farm operation, agricultural use, processing or industrial use, temporary use, or use similar to these uses or as any use except a

home occupation conducted in accordance with the provisions of this ordinance.

Section 2. Amendment to Home Occupations. Section 8.18 of the Zoning Ordinance of the Village of Vermontville (Home Occupations) is hereby amended by the addition of subsection C. thereto, as follows:

C. Regulations Regarding Specific Home Occupations. In addition to the general requirements for Home Occupations specified in Section 8.18A above, additional requirements apply to the Home Occupations listed below as specified herein. No fees required.

1. Medical Use of Marihuana.

a. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this Section, shall be allowed as a Home Occupation, as regulated in this Section 8.18C. Nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with the MMMA and the MMMA General Rules. Also, since Federal law is not affected by the MMMA or the MMMA General Rules, nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution under Federal law. The MMMA does not protect users, 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 or any other applicable Federal legislation.

b. The following standards and requirements shall apply to the location at which the Medical Use of Marihuana is conducted by a primary caregiver.

1. The Medical Use of Marihuana shall comply at all times and in all circumstances with the MMMA and the MMMA General Rules, as they may be amended from time to time.
2. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from:
 - a. any school, including any Day Care permitted within the Village by this Ordinance, to insure community

compliance with Federal "Drug-Free School Zone" requirements.

- b. Parks, grounds (i.e., ball fields, Village entrance to Paul Henry/Thornapple Trail, etc.), public buildings, and churches. We do understand the Federal Drug Free School Zone requirement; however, parks, ball fields, public Library are areas frequented by youths on a regular basis. Churches within the village also open their doors to community youth groups for meetings and activities.
3. Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients from a home. The primary caregiver shall be a full-time resident of the home.
4. The Medical Use of Marihuana shall be conducted entirely within the dwelling and any attached garage; this use shall not be eligible for special land use approval to be conducted in whole or in part in an accessory building.
5. Notwithstanding Section 8.18B of the Zoning Ordinance, no sign shall be permitted which in any way identifies this home occupation, or that the Medical Use of Marihuana is taking place on the premises, whether by word, image or otherwise.
6. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the Medical Use of Marihuana, there shall be no use of material or equipment not generally associated with the normal practices of owning, using and maintaining a dwelling.
7. Except for lawful distribution of Marihuana and items used in the administration of Marihuana only to qualifying patients associated with the primary caregiver, there shall be no selling of goods, merchandise, supplies or products at the premises.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the home in which electrical wiring, lighting or watering devices that support the cultivation, growing, or harvesting of Marihuana are located.

9. If a room with windows is utilized as a growing location for Marihuana, any lighting shall employ shielding methods, without alteration to the exterior of the home, to prevent ambient light spillage that may create a distraction for adjacent properties.
10. That portion of a home where energy usage and heat exceeds typical residential use, 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 Village's building official and Fire Department to insure compliance with applicable standards.
11. The property and home shall be open for inspection upon request by the Zoning Administrator, building official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the home-occupied premises.
12. The home in which the Medical Use of Marihuana is being conducted shall comply with subsections 8.18C.1.b.1, 5, and 7 through 10.
13. A registered primary caregiver shall not dispense, sell, deliver or transfer marijuana to a qualifying patient on the same premises as a home occupation that is engaged in the cultivation and/or manufacture of marijuana.

c. A permit shall be issued by the Zoning Administrator upon submission of an accurate and complete application for such permit, upon a form provided by the Village, and following review by the Zoning Administrator to determine compliance with this Ordinance. The application fee or other charge, if any, shall be determined by resolution of the Village Council, and in the absence of such resolution, shall be the same as the fee charged for approval of a zoning permit for a single family dwelling.

1. The application for permit shall include the name and address of the applicant; the address of the property; proof that the applicant makes the dwelling their full-time residence, such as driver's license, voter's registration records, or similar records; a current registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in any cultivation and processing operation, and a description of

the location at which this operation will take place within the dwelling or attached garage; and such other information as the Zoning Administrator determines to be necessary to demonstrate compliance with the requirements of this Section 8.18C.

2. The use shall be maintained in compliance with the requirements of this Section 8.18C, and all other applicable conditions and limitations. Departure from such conditions and limitations shall be grounds for revocation of the permit. Upon revocation of the permit, the applicant shall not engage in the activity unless and until a new permit is granted.
 3. Information treated as confidential under the MMMA, including the primary caregiver registry identification card, and any information about qualifying patients associated with that primary caregiver which is received by the Village, shall be maintained separate from the public information submitted in support of the application, shall be kept confidential, and shall not be subject to disclosure under the Freedom of Information Act.
- d. Medical Use of Marihuana was not permitted prior to adoption of this section, and accordingly such use shall not be treated as having the status of a non-conforming use.
- e. A qualifying patient's use of his or her home for the cultivation of medical marihuana for solely personal use shall not require a permit, but such use shall otherwise comply with all requirements of the MMMA and the MMMA General Rules, and also with Subsections 8.18C.1.b.5, 6, and 8 through 11.
- f. The medical use of marijuana shall not be permitted in the Village except as specifically allowed in this Section 8.18C.

Section 3. Publication; Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation in the Village. Passed and adopted by the Village of Vermontville on March 8, 2012.

Ruth Wineman, President
Ruth Wineman, President
Village of Vermontville
Shirley Harmon, Clerk
Shirley Harmon, Clerk

Village of Vermontville

CERTIFICATION OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Vermontville, County of Eaton, State of Michigan, at a regular meeting held on March 8, 2012, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for said meeting. I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and Village

Clerk.

Shirley Harmon, Acting Clerk
Shirley Harmon, Clerk

CERTIFICATE OF PUBLICATION

I hereby certify that a summary of Ordinance No. 2012-03, adopted by the Village Council of the Village of Vermontville, was published in the *Maple Valley News* on March, 19, 2012.

Shirley Harmon, Acting Clerk
Shirley Harmon, Clerk