

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, October 7, 2010
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the October 7, 2010 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the September 2, 2010 meeting Minutes.

V Public Hearing

None

VI New Business

Dr. Robert Mattice, 422 First Street - Site Plan Review PC-2010-11

Dr. Mattice purchased the building at 422 First Street to relocate his Dental Office. The plan includes a new 657 sq. ft. addition. Site Plan Review is required by the Planning Commission.

At this time the Planning Commission could take action on the request from Dr. Robert Mattice, 422 First Street for Site Plan Review of request #PC-2010-11 as submitted with plan from Abonmarche Job#10-0265.

Manistee County Historical Museum - Historic Exhibit

The Manistee County Historical Museum has a new Historic Exhibit; a half scale cross section model of a schooner built on the banks of the Manistee River in 1856. The proposed location is east of the Manistee Municipal Marina building.

At this time the Planning Commission could endorse the proposed location of a new Historic Exhibit.



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: September 28, 2010
RE: October 7, 2010 Planning Commission Meeting

Commissioners, this will be the last meeting for Commissioner Tony Slawinski. After 33 years of serving on the Planning Commission Tony decided not to reapply after this term expired. We will miss Tony and his dedication to the Commission and our Community. We wish him and his family well.

We will welcome new member Wilson "Bill" Dean who was appointed by City Council to fill the vacancy. Mr. Dean previously served on the Harbor Commission.

Marlene McBride served on the Zoning Board of Appeals and was appointed to fill Tony's vacancy. Marlene will be attending the meeting, but will not take her seat until the November meeting.

We have the following items on the October 7, 2010 Planning Commission Agenda:

Dr. Robert Mattice, 422 First Street - Site Plan Review PC-2010-11 - Dr. Mattice purchased the building at 422 First Street to relocate his Dental Office. The plan includes a new 657 sq. ft. addition.

Manistee County Historical Museum - Historic Exhibit - The Manistee County Historical Museum has a new Historic Exhibit; a half scale cross section model of a schooner built on the banks of the Manistee River in 1856. The proposed location is east of the Manistee Municipal Marina building.

Meeting/Worksession Dates 2011 - Staff has prepared a list of proposed meeting/worksession dates for 2011 for the Commission to review.

Former Harbor Village Sales Office, 100 Marina Drive - Parcel Split - This request was tabled to allow the applicant time to submit the additional information required for approval. The applicant did not submit any additional information.

Medical Marihuana - The Planning Commission will continue to discuss issues relating to the development of an Ordinance Amendment for Medical Marihuana.

If you are unable to make the meeting please call or leave a message 398-2805.

Staff/Site Plan Review for: Dr. Robert Mattice
422 First Street, Manistee, MI 49660

Address/Parcel Code#: 51-349-707-01

Zoning District: C-3 Central Business District

Proposed Use: Dental Office - Permitted Use

	Requirements	Proposed	Compliance
Minimum Lot Area:	2,500 sq. ft.	14,921 sq. ft.	X yes <input type="checkbox"/> no
Minimum Lot Width:	25 ft	113/132 ft	X yes <input type="checkbox"/> no
Max. Building Height:	4 stories, or 50 ft	16' 3"	X yes <input type="checkbox"/> no
Maximum Lot Coverage:	N/A		
Front Yard Set Back:	N/A		
Side Yard Set Back:	N/A		
Rear Yard Set Back:	N/A		
Waterfront Set Back	N/A		
Parking Requirements:	0	9 spaces	X yes <input type="checkbox"/> no

Signage: Will handle under separate application

Landscaping Requirements - subject to Section 531: *Landscaping shown on plan*

Outdoor Lighting Requirements - subject to Section 525: *No new lighting shown on plan*

U.S. 31 Corridor Overlay District Requirements - subject to Article 19: N/A

NOTES:

Review shows that all of the requirements of the Ordinance have been met.

Staff review by Jon Rose & Denise Blakeslee 9/27/10 - Compliance with Ordinance

Review by Fire Department - No concerns

Review by Jim Johnson, City Engineer - No concerns

Land Use Permit Application

Detailed Site Plan - Fee \$200.00

One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):

1. Name, address and signature of applicant and property owner:
 Name: DR. ROBERT MATTICE
 Address: 11317 N. CASTER Freesoil, MI 49411
 Daytime Phone Number: 231 7232954

2. Legal description, property parcel number and street address of the subject parcel of property:
 Legal description: FILER + TYSON ADD LOT 5 + W 19.5 FT. OF LOT 6
ALSO S 1/2 VAC ALLEY BLOCK 7
 Address of Project: 422 1ST ST. Parcel Code # 51-51- 349-707-01

3. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
14,921 SQ. FT.

4. Present zoning classification on parcel and on adjacent parcels: C-3

5. Present and proposed land use: PROFESSIONAL OFFICE TO DENTAL OFFICE

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume. NO CHANGE

7. A description of the proposed development and the land use proposed. DENTIST OFFICE

Finished Height of Project: 16'-3"

By signing the application the applicant is authorizing City Staff permission to make site inspections as necessary. The undersigned affirms that the information included in this application is correct. Further if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature: R. Mattice Date: 1 SEPT 10

OFFICE USE ONLY			
Zoning District: <u>C-3</u>	Set Back Requirements: _____	Height _____	Front _____
Date of Application: <u>9-1-10</u>	Water Front _____	Rear _____	Side _____
Fee/Receipt # <u>\$200.00</u>	Notes: _____		
Approval: _____	Date: _____		

Receipt 22175

Site Plan Information required in Application:

Project Name: 422 Lt St.

A Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include twelve (12) copies of all required information, one 11x 17 size copy of request, and and twenty-five (25) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
2. The scale of the drawing and north arrow.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
3. A vicinity map illustrating the property in relation to the surrounding street system.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, ~~heights~~ and footprint of each.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
7. Setback lines and their dimensions.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]

Project Name: 422 1st St

9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
10. Project phasing, if applicable.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
13. Curb-cuts and driveways on adjacent properties.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations. *For new impermeable surfaces only. R.*
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
 Included
 Waived by _____ [Planning Commission reserves the right to require the information at a later date]
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
 Included
 Waived by R [Planning Commission reserves the right to require the information at a later date]

Project Name: 422 LA St

- 18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with Article 21.
 - Included
 - Waived by R [Planning Commission reserves the right to require the information at a later date]
(sign permit will be required)
- 19. A lighting plan in conformance with Section 525.
 - Included
 - Waived by R [Planning Commission reserves the right to require the information at a later date]
all lighting must comply w/20
- 20. A written and illustrated landscape plan prepared in accord with Section 531 of this Zoning Ordinance.
 - Included
 - Waived by _____ [Planning Commission reserves the right to require the information at a later date]
- 21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
 - Included
 - Waived by R [Planning Commission reserves the right to require the information at a later date]
- 22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
 - Included
 - Waived by _____ [Planning Commission reserves the right to require the information at a later date]
- 23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
 - Included
 - Waived by R [Planning Commission reserves the right to require the information at a later date]
- 24. Special Groundwater Protection shall be subject to Section 2203.D.24
 - Included
 - Waived by R [Planning Commission reserves the right to require the information at a later date]

The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

For further information contact: Planning and Zoning
City of Manistee
70 Maple Street, P.O. Box 358
Manistee, MI 49660

(231) 398-2805 (231) 723-1546 - FAX

Revised: July 2008

ADDITION & REDESIGN OF EXISTING BUILDING

DRAWINGS PREPARED FOR:
DR. ROBERT MATICE
 422 FIRST STREET
 MANSITEE, MI 49660

SHEET INDEX

- T1.1 TITLE SHEET
- C1.0 SITE PLAN - EXISTING CONDITIONS
- C1.1 SITE PLAN - PROPOSED

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES (IMC & IMEC).
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC).

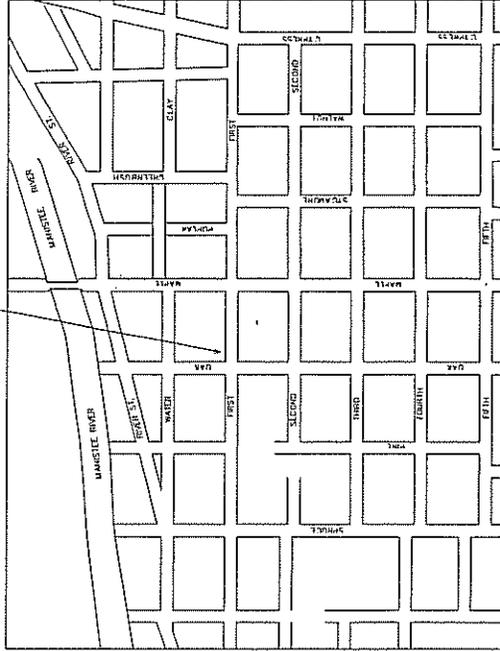
DESIGN CRITERIA

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES (IMC & IMEC).
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC).

DR. ROBERT MATICE
 422 FIRST STREET
 MANSITEE, MI 49660

TITLE SHEET

PROJECT LOCATION



PROJECT ADDRESS
 422 FIRST ST.
 MANSITEE, MI 49660



LOCATION MAP
 AT SCALE

DR. ROBERT MATICE
 ARCHITECT
 422 FIRST STREET
 MANSITEE, MI 49660
 PH: 519.273.1111
 FAX: 519.273.1112
 WWW: DRROBERTMATICE.COM

DATE: 12/11/17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

T1.1

ALOMMACHIE
 CONSULTING ENGINEERS
 1000 W. 10th Street
 Oklahoma City, Oklahoma 73106
 Phone: (405) 521-1111
 Fax: (405) 521-1112
 Website: www.alomachie.com

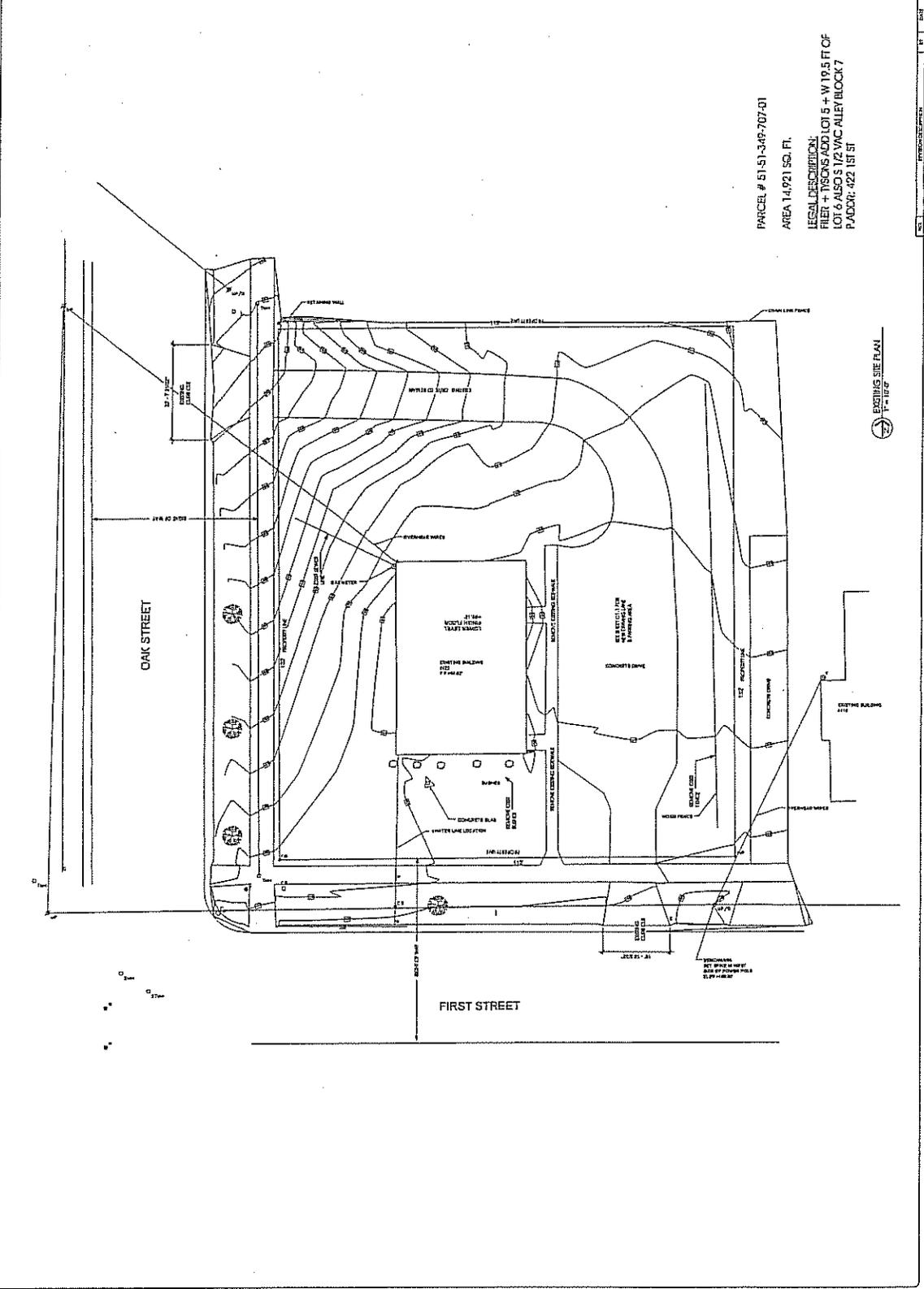
DR. ROBERT MATTHEW
 422 FIRST STREET
 LAWYER, MS 49560

**SITE PLAN - EXISTING
 CONDITIONS**

DATE: 10/02/05
 SCALE: 1" = 10'-0"
 SHEET: 10-02/05

PARCEL # 51-51-349-707-01
 AREA 14,921 SQ. FT.
 LEGAL DESCRIPTION:
 FILER + TYSON ADD LOT 5 + W 19.5 FT CF
 LOT 6 ALSO S 1/2 VAC ALLEY BLOCK 7
 P.A.D.D.R.: 422 1ST ST

C1.0



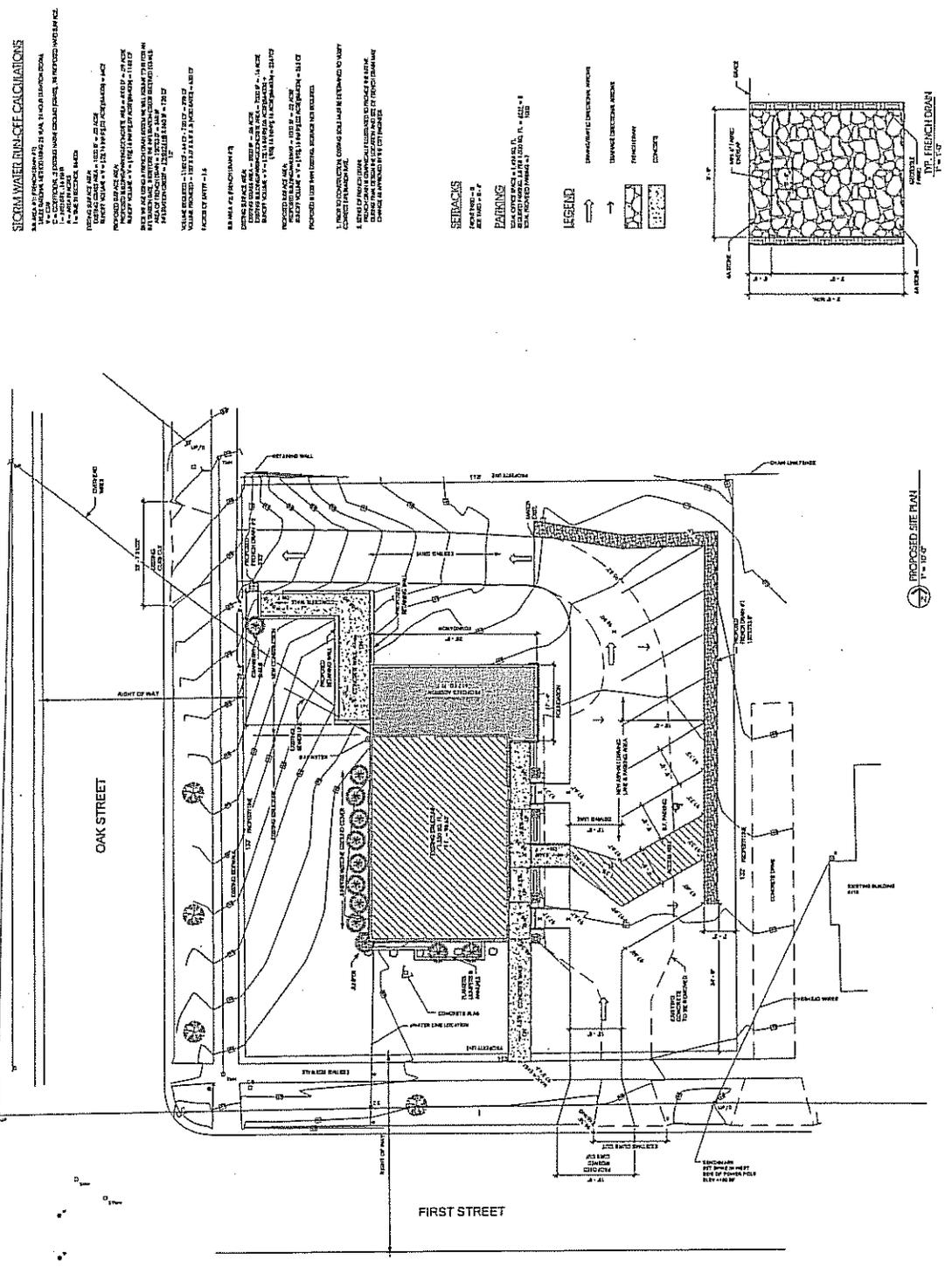
EXISTING SITE PLAN
 1" = 10'-0"

ADIMARCHE
 CONSULTING ENGINEERS
 11111 111th Street
 Seattle, WA 98148
 (206) 462-1111
 FAX: (206) 462-1112
 WWW.ADIMARCHE.COM

DR. ROBERT MATICE
 422 FIRST STREET
 MANISTEE MI 49660

SITE PLAN - PROPOSED

10-0265
 C1.1



PROPOSED SITE PLAN
 1" = 10'-0"



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose 
Community Development Director

DATE: September 27, 2010

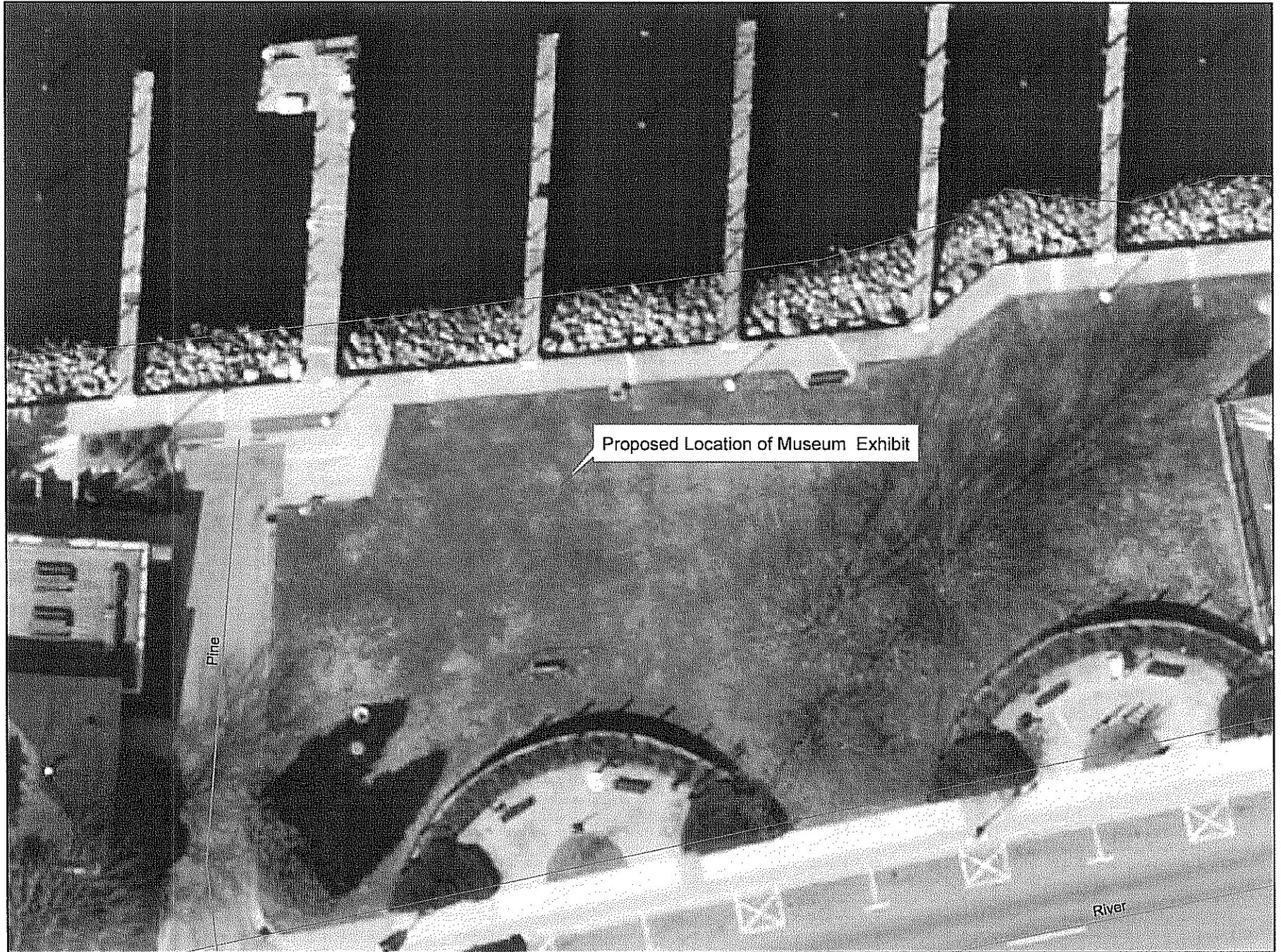
RE: Historical Exhibit

Commissioners, we have a request from the Manistee County Historical Museum to allow the placement of another Historical Exhibit at the City Marina. This exhibit is a half scale model of a schooner built on the banks of the Manistee River in 1856. This exhibit was dedicated during the Forest Festival and temporarily installed at the Cherry Street entrance to the Riverwalk.

The Manistee County Historical Museum has several displays along the riverwalk and the placement of another Historical Exhibit at the City Marina is another amenity to the Community. The Planning Commission is being asked for their endorsement for the placement of the new display.

:djb

Marina Site



MANISTEE COUNTY HISTORICAL MUSEUM

425 River Street
Manistee, Michigan 49660
231-723-5531

20 September 2010

Planning Commission
City of Manistee
Manistee, MI 49660

Dear Commissioners:

The Manistee County Historical Museum has created another historical exhibit to add to those we have already placed on the River Walk. This exhibit is a half scale model of a schooner built on the banks of the Manistee River in 1856. It was a small freighter called a scow schooner which carried lumber from Manistee to Chicago. The exhibit is a half scale cross section model of the original vessel which measures 11' x 4' x 5 1/2'.

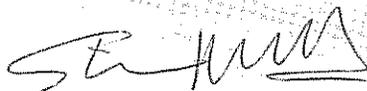
After walking the length of the River Walk the most suitable location to be found was one ten feet south of the River Walk and just east of the Marina office. An interpretive sign would be placed on the River Walk describing the exhibit and its role in the history of the Manistee River.

The City has suggested we share our plans with you to make sure we are not in conflict with any City ordinance or zoning requirements.

Attached is a diagram showing the location and our plans for the exhibit.

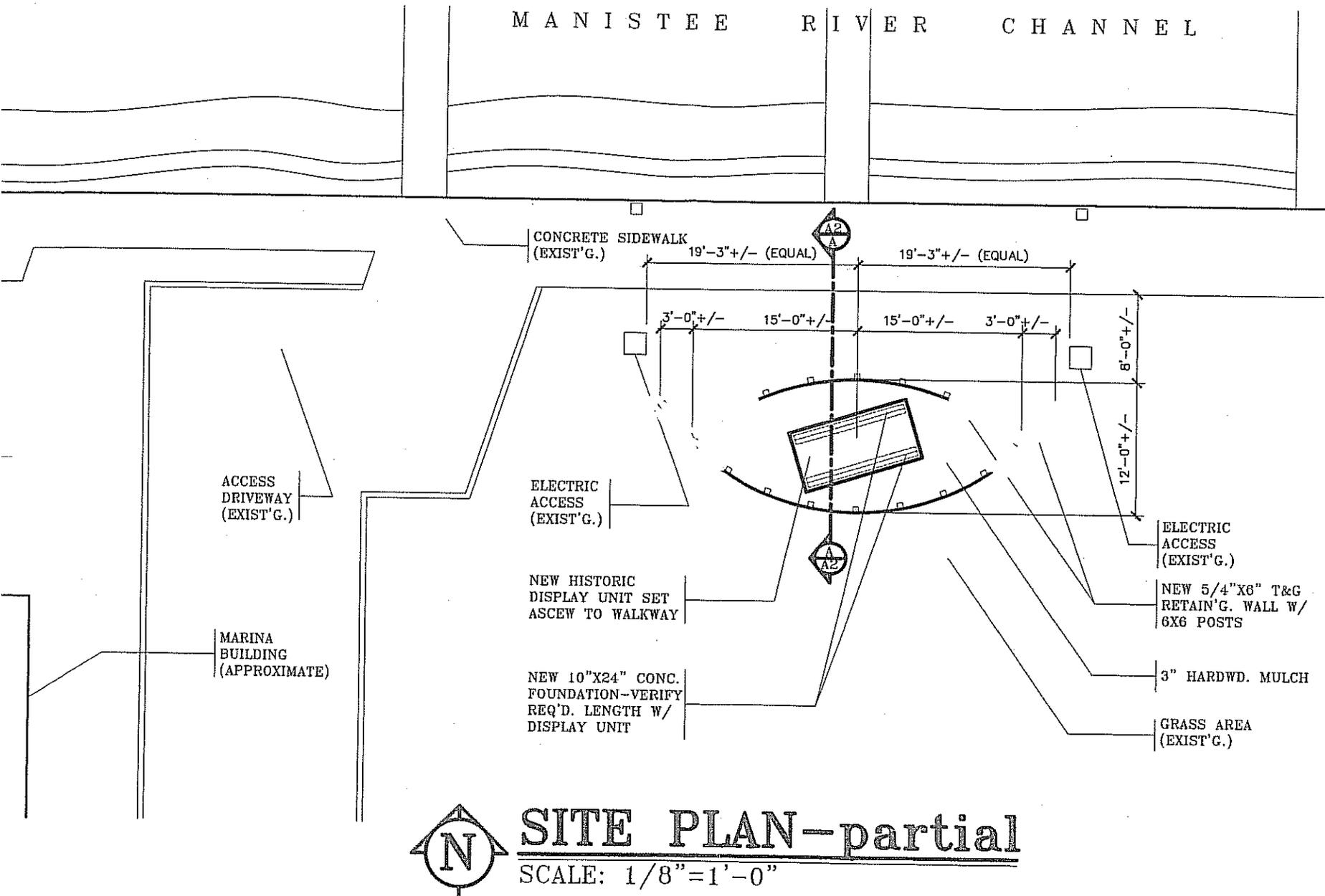
Thank you for your consideration of this new exhibit.

Sincerely,



Steve Harold,
Museum Director

MANISTEE RIVER CHANNEL



SITE PLAN - partial

SCALE: 1/8" = 1'-0"

Robert C. Pappas
 ARCHITECT, P.C.
 10000 Grand Haven Rd., Grand Haven, MI 49431
 P: 616.836.8888
 F: 616.836.8889
 www.rcpappas.com

MANISTEE COUNTY HISTORIC MUSEUM
KEWAXICUM DISPLAY
 RIVERWALK - NEAR CITY OF MANISTEE MARINA
 MANISTEE MICHIGAN

DATE: 10/1/17
 BY: [Signature]
 RCT
 DATE: 10/1/17
 AS NOTED
 DATE: 10/1/17
 BY: [Signature]

A-1



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
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MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: September 27, 2010
RE: Medical Marihuana

Commissioners, as per the discussion at the September 16, 2010 Worksession Medical Marihuana is on the Agenda under Old Business. Commissioner Crockett noted that there were several ordinances on the MML web site. They are attached for your review.

Both Jon Rose and myself will be attending the Michigan Association of Planning Conference October 20 thru 22. One of the courses that we will be attending is on Medical Marihuana and it is our hope to get additional information for an Ordinance Amendment. We will need to either cancel or reschedule the October Worksession.

:djb

**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 531**

AN ORDINANCE TO AMEND SECTION 40-1 AND SUB-SECTION 40-111(3)f OF CHAPTER 40, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON WOODS TO PROHIBIT PRIMARY CAREGIVERS UNDER THE MICHIGAN MEDICAL MARIHUANA ACT OF 2008 AS A HOME OCCUPATION.

THE CITY OF HUNTINGTON WOODS ORDAINS:

SECTION 1. Section 40-1, Definitions, of Chapter 40, Zoning, of the Code of Ordinances of the City of Huntington Woods, Michigan, is hereby amended to add, alphabetically, the following definitions:

Marihuana: All parts of the plant *Canabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Primary Caregiver: A person who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana and who has been issued and possesses a registry identification card from the State of Michigan under the Michigan Medical Marihuana Act of 2008.

SECTION 2. Sub-Section 40-111(3)f., Zones R-1A through R-1E – Use Regulations, of Chapter 40, Zoning, of the Code of Ordinances of the City of Huntington Woods, Michigan, is hereby amended to read as follows:

- f. *Uses that are prohibited.* The following uses by the nature of the investment or operation generally require the use of electrical or mechanical equipment; generate excessive noise, dust vibration, etc., have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations; and/or impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified in this subsection shall not be permitted as home occupations unless granted a special land use permit by the planning commission: auto repair, minor or major; bakers; barbershop; beauty parlor; carpentry work; confectionery; dance instruction; dental office; dealer of firearms; food preparation or processing; massage therapy; medical office; primary caregiver under the Michigan Medical Marihuana Act of 2008; office of psychologist, psychiatrist, social worker or counselor; painting of vehicles, trailers or boats; photo developing; photo studio; private school with organized classes; electronics repair; upholstering.

SECTION 3. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Huntington Woods shall be affected by this ordinance except as to the above section, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Huntington Woods.

SECTION 3. Effective Date.

This ordinance shall be published as required by Act 110 of the Public Acts of the State of Michigan, 2006, and the Charter of the City of Huntington Woods. This ordinance shall become effective twenty (20) days after the date of its passage or seven (7) days after publication, whichever is later.

MADE, PASSED AND ADOPTED by the Commission of the City of Huntington Woods on this 19th day of January, 2010.

ATTEST:

Ruth A. Franzoni
City Clerk

State of Michigan)
County of Oakland)

I, Ruth A. Franzoni, City Clerk of the City of Huntington Woods, hereby certify that a synopsis of the foregoing Ordinance No. 531 was published in The Daily Tribune on _____, 2010 and a copy of said Ordinance was posted in three public and conspicuous places within the City of Huntington Woods as follows: City Hall Bulletin Board, Lobby of Public Safety Building, and Library Bulletin Board.

Ruth A. Franzoni, City Clerk

CITY OF HARTFORD
AN ORDINANCE TO REGULATE THE DISPENSING OF MEDICAL MARIJUANA
IN THE CITY OF HARTFORD

The purpose of this Ordinance is to promote the public health and safety of the residents of the City of Hartford.

THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1:

Any establishment that sells or dispenses medical marijuana shall comply with all State of Michigan laws.

Section 2:

No person other than a State of Michigan licensed Doctor of Chiropractic, Doctor of Dentistry, Doctor of Medicine, Doctor of Optometry, Doctor of Osteopathic Medicine and Surgery, Physicians Assistant as licensed under the Public Health Code, MCL 333.16103(2) et seq. or a registered, licensed pharmacist shall dispense medical marijuana.

Section 3:

All establishments that sell medical marijuana must obtain a dispensing license from the City of Hartford. The license application shall include the name and home address and home telephone number of the person in charge as well as a copy of that person's license with the State of Michigan, the address of the establishment, and phone number shall be furnished. An annual fee of \$5.00 shall be paid prior to the issuance of a license.

Section 4: Penalties

Violation of this ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding Ninety Three (93) days or by both such fine and imprisonment in the discretion of the Court of competent jurisdiction.

Section 5: Injunctive Relief

The foregoing penalties shall not prohibit the City from seeking injunctive relief against a violator, or such other appropriate relief as may be provided by law. Costs of prosecution and/or enforcement and/or repair, alteration, razing may be assessed to anyone, jointly and severally, in violation thereof. Said costs may be added to the tax roll of the defendant as a special assessment.

Section 6: Cost Recovery

That in addition to all other penalties, the City of Hartford may bring an action for costs of enforcement and prosecution expense upon any person(s), corporation(s) and/or firm(s) that have violated the City's Ordinances. The cost of enforcement and prosecution shall be the actual amount of attorney

fees and out-of-pocket expense for enforcement of the ordinance. An itemized list of fees and costs shall be given under oath and shall be prime facia evidence of the fees and costs.

Section 7: Effective Date and Adoption

This ordinance shall become effective upon publication as required by law.

Motion by: _____; Second by: _____

Upon roll call vote, the following voted:

AYES:
NAYS:
ABSTAIN:
ABSENT:

Adopted: _____

THE CITY OF HARTFORD

RoxAnn Rodney-Isbrecht
Clerk, The City of Hartford

**AN ORDINANCE AMENDING SECTION 3.08 OF
ARTICLE III OF ORDINANCE NO. 543, AS AMENDED,
KNOWN AND CITED AS "THE CITY OF LIVONIA
ZONING ORDINANCE."**

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 3.08 of Article III of Ordinance No. 543, as amended, is hereby amended to read as follows:

Section 3.08 District Regulations. Each district, as created in this article, shall be subject to the regulations contained in this ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited. Waiver uses, because of their nature, require special restrictions and some measure of individual attention in order to determine whether or not such uses will be compatible with uses permitted by right in the district and with the purposes of this ordinance. Waiver uses are therefore prohibited uses unless a waiver of such prohibition is reviewed and findings submitted by the City Planning Commission as provided in this ordinance and approved by the City Council.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

**CITY OF NILES, MICHIGAN
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 442

An Ordinance to regulate those individuals within the City of Niles, Michigan that are qualified patients or acting as primary caregivers pursuant to the provisions of the Michigan Medical Marihuana Act.

THE CITY OF NILES, MICHIGAN ORDAINS:

SECTION 1 **FINDINGS.** The City of Niles, Michigan adopts this Ordinance based on the following findings of fact:

1. Voters in the State of Michigan approved the referendum authorizing the use of marihuana for certain medical conditions.
2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and distribute marihuana and to assist specific registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marihuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation / growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and /or activity and this threat affects the health, safety and welfare of the residents of the City of Niles, Michigan.

It is the intention of the City Council of the City of Niles, Michigan that nothing in this ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation / growing, distribution or consumption of marihuana that is otherwise illegal.

SECTION 2 **PURPOSE.** It is the purpose of this Ordinance to impose specific requirements for those individuals registering with the State of Michigan as "qualifying patients" or a "primary caregiver" as those terms are defined in MCLA 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct of activity pursuant thereto in the City of Niles, Michigan so as to protect the health, safety and welfare of the general public.

SECTION 3 **DEFINITIONS.** For purposes of this Ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008.

SECTION 4 **COMPLIANCE REQUIRED.** Those individuals within the City of Niles, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein for qualifying patients, Article V, for primary caregivers, Article VI.

SECTION 5 **REQUIREMENTS FOR QUALIFYING PATIENTS.** A person within the City of Niles, Michigan who has been issued and possesses a registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq. shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.
2. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

SECTION 6 **REQUIREMENTS FOR PRIMARY CAREGIVER.** A person within the City of Niles, Michigan who has been issued and possesses a registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

1. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.
2. The location from which a primary caregiver provides services to a qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.
3. The location from which a primary caregiver grows, cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver’s services as allowed under the Michigan Medical Marihuana Act.
4. The location from which a primary caregiver provides services to a qualifying patient shall not be within 1,000 feet of a drug-free school zone and shall only occur as set forth in the Zoning Ordinance of the City of Niles, Michigan.
5. Cultivation / growing or distribution of marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
6. No consumption of marihuana shall occur at a primary caregiver’s location for cultivation / growing, or a primary caregiver’s legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient / primary caregiver.

SECTION 7 **VIOLATIONS AND PENALTIES.** Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by fines and /or imprisoned. Further, a person who violates the provisions of this ordinance in addition to penalties set forth herein shall be presumed to be operating a nuisance *per se* and shall be subject to suit or injunction to enjoin further conduct.

SECTION 8 SEVERABILITY. If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

SECTION 9 EFFECTIVE DATE. This Ordinance shall become effective twenty days after the date of its enactment.

Adopted this 11th day of May, 2009.

Proposed by: Council Member: Weimer

Supported by Council Member: Arndt

Roll Call Vote:

Ayes: ALL

Nays:

Abstain:

Motion Carried:

Motion Defeated:

ORDINANCE DECLARED ENACTED:

This Ordinance was enacted by the City Council of the City of Niles, State of Michigan on the 11th day of May, 2009 and approved by its Mayor and Clerk on said date.

CITY OF NILES, MICHIGAN

By: _____
Michael T. McCauslin
Mayor

By: _____
Ruth Harte
Clerk

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1229**

THE CITY OF ROSEVILLE ORDAINS:

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

Section 1. The City of Roseville Zoning Ordinance is hereby amended to add Section 1909 as follows:

Medical Marihuana Dispensaries shall be permitted in OS, B-1, B-2, B-3, I-1, and I-2 districts subject to review and approval by the Planning Commission, provided that they meet the conditions set forth in this section.

1. Definitions

(a) "Debilitating medical condition" means one or more of the following:

- (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS), or the treatment of these conditions.
- (2) A chronic or debilitating disease or medical conditioner its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
- (3) Any other medical condition or its treatment approved by the department, as provided for in MCL333.26425.

- (b) "Department" means the state department of community health.
- (c) "Drug paraphernalia" means all equipment, products and materials of any kind, which is used, intended for use, or designed for use. In planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as Amended), in violation of the laws of the State of Michigan.
- (d) "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- (e) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
- (f) "Medical marihuana dispensary" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis.
- (g) "Medical use" means 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.
- (h) "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.
- (i) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- (j) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

- (k) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.
- (l) "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.
- (m) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.
- (n) "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2. Conditions and Standards

- (a) No use, which purports to have distributed marihuana prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the Zoning Ordinance and such use shall not be entitled to claim legal nonconforming status.
- (b) Medical Marihuana Dispensaries shall not be allowed as home occupations.
- (c) Cultivation of medical marihuana in a Medical Marihuana Dispensary is only allowed if specifically authorized by a Use Permit. A Use Permit is a request to allow a use which is permitted by the Zoning Ordinance provided that the use will not cause an adverse impact on adjacent property or properties in the area.
- (d) No Medical Marihuana Dispensary shall be located within 1,000 feet of any other Medical Marihuana Dispensary nor within 1,000 feet of any of the following uses:
 - (1) Any Church.
 - (2) Any School, public or private, having a curriculum including kindergarten or any one or more of the grades one through twelve.
 - (3) Any residential zoned district or any residential use.

- (e) All activity related to a Medical Marihuana Dispensary including but not limited to growing and dispensing shall be done indoors.
- (f) The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.
- (g) Medical Marihuana Dispensaries shall be operated in compliance with the provisions of the Department of Community Health.
- (h) Smoking or consumption of medical marihuana shall not be allowed on the site of the Dispensary.
- (i) No patients under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of qualifying patient or their primary caregiver.
- (j) No retail sales of drug paraphernalia as defined in this ordinance are permitted at the Dispensary, except to patients or their designees.
- (k) The Dispensary shall be operated in compliance with regulations the City may issue regarding security measures, record keeping, proper identification for patients, delivery of medical marihuana by employees of the Medical Marihuana Dispensary to patients who would otherwise not be able to obtain it from a dispensary by reason of physical or mental disability, storage of marihuana on the site, on-site cultivation and the maximum amount that may be dispensed in any single transaction. Such regulations may be modified from time to time as the City deems appropriate.
- (l) Each Dispensary shall display in a manner legible and visible to its clientele:
 - (1) Notice that Patients under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;
 - (2) No consumption of medical marijuana shall occur within the vicinity of the Dispensary.
- (m) Only operators and their employees, patients, parents or guardians of patients under 18 years of age, and their primary caregiver may be permitted to enter a Medical Marihuana Dispensary for the purpose of obtaining medical marihuana or other goods or products associated with its use.
- (n) Medical marihuana dispensaries can grow up to sixty (60) plants.

3. Civil Forfeiture

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville, Michigan.

Any marihuana aka marijuana sold or possessed with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville Michigan.

Section 2. Repealer. Any section herein that is in conflict is hereby repealed.

Section 3. Severability. If any word, clause, sentence, paragraph or provision of this ordinance is deemed to be invalid by a court of competent jurisdiction, such word, clause, sentence, paragraph or provision so designated shall be deemed severable and the remaining provisions of the ordinance shall be deemed fully enforceable.

Section 4. Effective Date. The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.

JOHN CHIRKUN, Mayor

Attested:

RICHARD STEENLAND, City Clerk

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. 1229 was adopted by the City Council of Roseville, assembled in regular session on October 13, 2009. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Eastsider* on October 21, 2009.

RICHARD STEENLAND, City Clerk

Village of Lake Isabella

1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654

ORDINANCE 2010 – 04
HOME OCCUPATIONS & MEDICAL MARIJUANA

The Village of Lake Isabella hereby ordains:

SECTION 1 PURPOSE

The purpose of this Ordinance is to adopt a comprehensive update of the requirements set forth in the zoning code relating to home occupations and home businesses, along with adopting regulations pertaining to the Michigan Medical Marihuana Act.

SECTION 2 CHAPTER 1272 OF THE CODIFIED ORDINANCES CREATED:

Chapter 1272 of the Codified Ordinances of the Village of Lake Isabella is created as shown in “*Exhibit A*” of this Ordinance. With the adoption of Chapter 1272, subsection 1262.09(11) is hereby repealed and subsection 1262.09 renumbered to reflect the deletion.

SECTION 3 : MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES PROHIBITED

Chapter 1212 of the Codified Ordinances of the Village of Lake Isabella is hereby amended to include two new subsections as shown in “*Exhibit B*.”

SECTION 4 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5 ORDINANCES REPEALED

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 6 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance

and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned, President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2010-04 "*Home Occupations & Medical Marijuana*" of the Village of Lake Isabella, was adopted in the following manner with at least two weeks elapsing between the introduction of the Ordinance before the Village Council and the enactment by the Village Council at _____ meeting of the Lake Isabella Council, offered by councilmember _____, and seconded by councilmember _____.

Planning Commission Introduction	July 13, 2010
Planning Commission Public Hearing	August 2, 2010
Planning Commission Recommendation	
Village Council Introduction	
Village Council Public Hearing	
Village Council Enactment	

The vote on this Ordinance was taken by roll-call with the "yeas" and "nays" recorded as such.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated at Lake Isabella, Michigan, this _____ day of _____.

 Village Council President
 Dave Torgerson

 Village Clerk
 Jeffrey P. Grey

EXHIBIT A

1272.01 USE/APPROVAL TABLE:

District	Home Occupation	Level 1 Home Business	Level 2 Home Business
Lake Residential 1	O	Z	S
Lake Residential 2	O	Z	S
Airport Residential	O	Z	S
Multi-Family Residential	O	X	X
Airport Commercial	O	O	Z
West Coldwater Business	O	O	Z
East Coldwater Business: Ground Floor	X	X	X
East Coldwater Business: Above ground floor	O	X	X
Agriculture	O	O	Z
Commercial	O	O	Z
Light Industrial	X	X	X
Open Space Recreational	X	X	X

- O = Permitted by right (No additional review or approval required)
 Z = Permitted by Approval of the Zoning Administrator
 S = Special Land Use (Planning Commission Approval)
 X = Not Permitted

1272.03 CLASSIFICATION TABLE

The following series of criteria are established to determine what classification a home based activity falls into. Based on upon the responses to the criteria in the table below, the activity will be classified by the most intense use with Home Occupation being the least intense and a Level 2 Home Business being the most intense:

Criteria	Home Occupation	Level 1 Home Business	Level 2 Home Business
I will prepare food for sale in my home	N	N	Y
I will have customers or clients visit my home	N	Y	Y
I will have a sign advertising my business at my home	N	Y	Y
On average I will have 3 or more delivery visits to my house per week	N	N	Y
I will have employees working from my home.	N	Y	Y
I will have at least 1 employee, but not more than 2 employees working from	N	Y	N

my home			
I will have more than 2 employees, but not more than 5 employees working from my home	N	N	Y
The only business use of my home will be that of an office for my off-site business activity.	Y	N	N
Not more than 20% of the habitable floor space of my dwelling will be used for business or non-residential purposes	Y	Y	N
At least 20%, but not more than 40% of the habitable floor space of my dwelling will be used for business or non-residential purposes	N	N	Y
I will use an accessory structure in the operation of my business	N	N	Y
My business is that of an art studio and gallery where my work is created, displayed and sold; or where I provide instruction in arts, crafts, or music to not more than 2 students at a time	Y	N	N

1272.05 PROHIBITED HOME OCCUPATIONS AND HOME BUSINESSES:

The following occupations are prohibited as home occupation or as a home business:

1. Animal Processing or Butchering (This does not include Taxidermy)
2. The repair, painting, detailing or sale of motorized vehicles. This includes but is not limited to the following items; automobiles, trucks, motorcycles, snowmobiles, watercraft, tractors, and lawn equipment.
3. Kennels
4. Animal training or grooming
5. Barber shops, beauty salons, nail salons, and tanning salons
6. Medical or dental offices.
7. Restaurants
8. Welding or machine shops
9. Bed & Breakfasts

1272.07 PROHIBITED ACTIVITIES FOR HOME OCCUPATIONS AND HOME BUSINESSES:

The conditions and activities are prohibited for all home occupations and home businesses:

1. The maximum amount of habitable floor space allowed for non-residential purposes shall be 40%.
2. Commercial grade lawn equipment, construction equipment, heavy equipment, farm machinery, and landscaping supplies are not permitted to be stored at the home unless the following conditions are met:
 - A. The parcel size is 2 acres or greater
 - B. All equipment and supplies are stored inside a primary or accessory structure.

- C. Equipment repairs and maintenance shall be done inside and be limited to those items owned by the business.
3. There will be no changes to exterior of the home to lessen the residential character of the structure.
 4. To establish a home occupation or home business, the home must be the primary residence of the proprietor of the business.
 5. Home occupations and home businesses shall not make noise, vibration, smoke, dust, odor, heat, or electrical interference with surrounding structures.
 6. No home occupation or home business shall have deliveries or customer/client visits between the hours of 8 PM and 8 AM.
 7. Walk-in retail or trade is not permitted.
 8. The outdoor storage or display of items supportive of the home occupation or home business is prohibited.
 9. All parking associated with the home occupation or home business shall occur off-street.

1272.09 CONDITIONS OF REVIEW

For home businesses which require the review and approval of either the Zoning Administrator or the Planning Commission, the following conditions of review shall apply:

1. Adequate off-street parking has been provided for with independent spaces for each employee.
2. A floor plan has been submitted which shows the area of the home to be used for non-residential purposes.
3. For businesses which require additional inspections from health, safety, or building officials final approval by the Village of Lake Isabella shall not occur until all other inspections and approvals have been obtained a documentation submitted to the Zoning Administration.
4. For home businesses which require review as a Special Land Use, the conditions of review of Chapter 1262, in addition to the conditions of this Chapter, shall apply. This includes the Planning Commission's requirement to hold a public hearing, notify surrounding properties as required in the Michigan Zoning Enabling Act, the Planning Commission's right to impose conditions on approval, and the Planning Commission's ability to require a performance guarantee of the applicant.

1272.11 MEDICAL MARIJUANA REGISTERED PRIMARY CAREGIVERS

A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health as established under the Michigan Medical Marijuana Act (MMMA) is hereby classified as a home occupation and exempted from the requirements of the use classification table found in this Chapter, and shall be allowed to operate as a home occupation with no additional review and approval by the Village of Lake Isabella provided the following conditions are met:

1. The use of marijuana shall at all times comply with the conditions and circumstances established by the MMMA.
2. The registered primary caregiver is operating at his or her primary residence.
3. A registered primary caregiver must be located outside of a one-thousand foot (1,000') radius from any parcel with a school or child care center.

4. A maximum of two (2) total registered primary caregivers shall be permitted to serve qualifying patients on any single parcel.
5. A maximum of one visit per day, per qualifying patient, is permitted between the hours of 8 AM and 8 PM.
6. All medical marijuana ready for use shall be contained within the primary structure of the parcel, in an enclosed, locked area inaccessible on the exterior of the structure with devices which limit access to only the registered primary caregiver.
7. The outdoor growth and/or cultivation of medical marijuana plants is prohibited.
8. All medical marijuana plants cultivated shall be contained within a fully enclosed legally existing primary or accessory structure locked and inaccessible on the exterior except by devices which restrict access to only the registered primary caregiver.
9. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between 10 PM and 7 AM shall employ shielding methods which prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.

1272.13 LICENSE AND INSPECTION

Home businesses shall be annually licensed by the Village of Lake Isabella and may be inspected by the Zoning Administrator once every three years. The Village Council may by resolution set a nominal fee to be charged for the annual license to cover expenses incurred with enforcing this Chapter.

1272.15 REVOCATION

If any resident living within 300 feet of a home occupation or home business believes that it is being conducted in violation of this Chapter or believes the home occupation or home business being conducted is detracting from the residential character of the neighborhood, the resident may submit a petition for the home occupation or home business to cease and desist. If the Zoning Administrator is unable to resolve the problem informally between the resident and proprietor of the home occupation or home business, the matter will be placed on the agenda of the Board of Zoning Appeals for a public hearing upon the submission of a fee equal to that of the least expense residential variance application fee. On the basis of evidence introduced at this hearing, the Board may require the home occupation to cease and desist or impose additional restrictions or conditions on the conduct of the business.

EXHIBIT B

1212.59 MEDICAL MARIJUANA DISPENSARIES

Facilities or uses where three or more registered primary caregivers operate and/or provide services for compensation or membership fee on a single parcel under the Michigan Medical Marihuana Act (MMMA), or supplied registered primary caregivers with medical marijuana is hereby classified as a marijuana dispensary and such is prohibited in the Village of Lake Isabella.

1212.61 MEDICAL MARIJUANA CULTIVATION FACILITY

The cultivation of marijuana in the Village of Lake Isabella shall be limited to registered primary caregivers as defined in the Michigan Medical Marijuana Act (MMMA) and shall be permitted only in an enclosed, locked structure. Any parcel in the Village of Lake Isabella where more than 144 marijuana plants are grown or cultivated at any one time shall be considered a marijuana cultivation facility and such is prohibited in the Village of Lake Isabella.



STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF GARDEN CITY

ORDINANCE NO: 10-010

ASSESSMENT AND CERTIFICATION BUSINESS ORDINANCE

AN ORDINANCE REGULATING BUSINESSES INVOLVED IN THE ASSESSMENT AND CERTIFICATION OF PATIENTS FOR MEDICAL MARIJUANA USE UNDER THE MEDICAL MARIJUANA ACT; PROVIDING FOR DEFINITION OF TERMS; PROVIDING FOR PERMIT APPLICATION AND FEE; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PERMIT APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REVOCATION AND/OR DENIAL OF PERMIT APPLICATION AND APPEAL; PROVIDING FOR PENALTIES FOR THE VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY OF INVALID SECTIONS; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

THE CITY OF GARDEN CITY ORDAINS:

SECTION I. ORDINANCE.

Sec. 124.01. Definitions.

A. "Medical Marijuana Act" shall mean legislation adopted to comply with Proposal 1 of 2008.

B. "Controlled Substance" shall mean substances regulated under the Public Health Code, Public Act 368 of 1978, as amended, and/or the United States Code.

Sec. 124.02. Prohibited Activity. It shall be unlawful for any business to provide assessments and/or certifications under the Medical Marijuana Act without a permit under this Ordinance.

Sec. 124.03. Permit Requirements. No person shall engage in the business of Medical Marijuana Act assessments and/or certifications without obtaining a permit therefor. No such permit shall be granted except upon approval of the City Clerk.

Sec. 124.04. Regulations. No controlled substances shall be kept, stored or distributed on site. The permittee shall comply with all Federal, State and local laws.

Sec. 124.05. Application for Permit.

A. Applications for permits required by this Chapter shall be made upon forms provided by the Clerk, which shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall set forth the following:

- (1) If an individual, the name, address and telephone number of the individual;
- (2) If a partnership, the name, residence and business address and telephone number of each partner and each partner's computerized criminal history (CCH) and master driving record;
- (3) If a corporation, the name, date and state under whose laws such corporation was organized and, if a foreign corporation, whether authorized to do business in the state, the names of the principal officers, directors and local representatives, their residences and business addresses and telephone numbers and their computerized criminal history (CCH) and master driving record;
- (4) If an employee, the name, residence and telephone number, computerized criminal history (CCH), and master driving record of the employee together with written credentials setting forth the exact nature of his employment, including, where applicable, a copy of the employees medical license;
- (5) The length of time for which the right to do business is sought;
- (6) A photograph of the applicant or the agent for the applicant who is to do the actual assessments and/or certification which photograph shall be two inches by two inches showing head and shoulders of applicant or agent;
- (7) A copy of the applicant's computerized criminal history (CCH).
- (8) A copy of the applicant's master driving record.
- (9) A brief description of the product, products or services involved;
- (10) The name, address and telephone number of a Michigan resident who is the registered agent of the individual, corporation or association, who has the full power and authority to accept service of process for and on behalf of applicant in respect to any matters connected with or arising out of the business transacted under said permit with the result that service on said agent shall be valid as if personally served on the applicant.

(11) A history of the applicant's ordinance and state law license and permit revocations and ordinance violations.

B. The application shall be accompanied by a nonrefundable application fee to be established by resolution of the City Council and made part of the Comprehensive Fee Schedule.

Sec. 124.06. Inspections. Upon receipt of an application, the City Clerk may request the assistance of the City Departments to determine that the premises comply with the provisions of this and any other ordinance of the City, including the zoning ordinance, and that the applicant or the activity to be licensed do not constitute an apparent danger to the health, safety and welfare of the people of the City.

Sec. 124.07. Issuance of Permit; Term. The City Clerk shall issue a permit to the applicant unless the Clerk finds reason for denial including that the applicant's permit has previously been revoked. The permit shall be for no more than one (1) year in term. The Standards for denial of the application by the City Clerk are as follows:

A. The application is not completely filled out as required by Section 124.05.

B. The applicant's Computerized Criminal History (CCH) shows a conviction or convictions for activities that pose a threat or a danger to the residents of the City should a permit be granted. By way of example, but not exclusively, such convictions would include reckless driving, drunk driving, disturbing the peace, assault and battery or simple assault, domestic violence, stalking, theft, dishonesty or deception, fraud, obstruction of justice, disorderly person, trespassing, window peeping, criminal sexual conduct, felonious assault, murder, assault with intent to commit any other crime, breaking and entering and/or any other violation of the Criminal Code of the State of Michigan, United States Code and/or local ordinances pertaining to criminal conduct.

C. The product or services being offered violate any provision of Federal, State or local laws, rules or regulations.

D. Verification of any of the information required by Section 124.05 shows the information provided by the applicant to be fraudulent, a misrepresentation, or a false statement.

E. An investigation through the City Police Department or any other law enforcement agency shows a pattern and history of conduct which would justify a revocation of the applicant's permit under Section 124.11.

F. The applicant or any of the proposed employees of the applicant have a history of business license/permit violations, revocations, or a history of ordinance violations regardless of whether they have resulted in conviction.

G. Failure to pay the nonrefundable application fee.

H. No permit shall be issued to any applicant until such applicant shall have obtained the age of eighteen (18) years.

I. Any other competent, material and substantial evidence indicating the applicant or any of the applicant's proposed employees pose an apparent danger to the health, safety and welfare of the people of the City and/or the activity proposed to be permitted constitutes an apparent danger to the health, safety and welfare of the people of the City.

Sec. 124.08 Denial of Permit; Appeal hearing.

A. The Clerk may refuse to issue a permit for the reasons stated in Section 124.07.

B. Any person whose permit application has been denied shall have the right to petition the City Council for an appeal. The City Council shall grant a public hearing on this appeal, and the applicant shall have the right to appear and present evidence on his/her behalf. Following such hearing, the Council shall submit to the applicant a written statement of its findings and determinations. The Council's determination shall be based upon competent, material and substantial evidence showing failure to comply with the requirements of Section 124.07.

Sec. 124.09. Transfer or misuse of permit. No permit issued hereunder shall be transferred to another business location or represented as pertaining to any other business location.

Sec. 124.10. Display. A permit issued hereunder shall be prominently displayed at the location at all times.

Sec. 124.11. Revocation of Permit; Appeal.

A. Permits issued pursuant to Section 124.07 may be revoked by the City Clerk upon the Clerk's findings based upon competent, material and substantial evidence of any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for permit;

- (2) Any fraud, misrepresentation or false statement made in connection with the services and/or merchandise;
- (3) Any violation of this Chapter;
- (4) Conviction by the permittee of any felony; or
- (5) Conducting the business in an unlawful manner or in such a manner as to constitute breach of the peace.

B. Notice of the revocation of a permit shall be given in writing, setting forth specifically the grounds for the revocation. Such notice shall be mailed, postage prepaid, to the permittee at the address provided in the application.

C. Any permittee whose permit has been revoked as herein provided shall have the right to appeal the revocation to the City Council as provided in Section 124.08.

Sec. 124.12. Surrender of Permit on Demand; Return. The permit shall be surrendered on demand to a police officer based upon a probable cause belief by the officer that the permittee is in violation of this Chapter. The permit shall be returned to the permittee within forty-eight (48) hours upon failure of the City Clerk to find cause to revoke the permit as provided in Section 124.11.

SECTION II. VIOLATIONS AND PENALTY. Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be fined not more than Five Hundred (\$500.00) Dollars or imprisoned for not more than ninety (90) days, or both, at the discretion of the Court.

SECTION III. SEVERABILITY.

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to be the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

SECTION IV. REPEAL.

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION V. SAVINGS CLAUSE.

All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION VI. PUBLICATION.

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law.

SECTION VII. EFFECTIVE DATE.

This Ordinance shall take full force and effect upon publication as required by law.

All interested citizens are invited to attend and provide comments. Copies of the complete Ordinance are available at the office of the City of Garden City, 6000 Middlebelt Road, Garden City, Michigan 48135, during regular business hours.

Allyson Bettis, Clerk/Treasurer

Adopted: October 26, 2009
Resolution# 09-10-214

John/DeWise

Jacking into Federalism: Medical Marijuana's Commercial Uses

By Michael G. Woodworth and Eric W. Misterovich

Editors Note: This month's Legal Spotlight column is guest-authored by The Hubbard Law Firm.

Federalism is the distribution of governmental power between a central authority and its constituent units. The term "federalism" most commonly arises in discussions addressing relations between sovereign states on the one hand and a centralized national government on the other. But federalism is taking on a new application in Michigan.

The Michigan Medical Marijuana Act (MMMA), widely criticized as confusing, contradictory, and vague, contains no state-wide regulatory measures, offers local governments zero enforcement or zoning guidance, and fails to address the legality of related commercial activities. As a result, constituent units of state government—villages, townships, and cities—are now called upon to balance a state law that provides the sick with an avenue of relief independent of conventional pharmaceuticals while simultaneously increasing the presence of a potentially illicit drug in their communities.

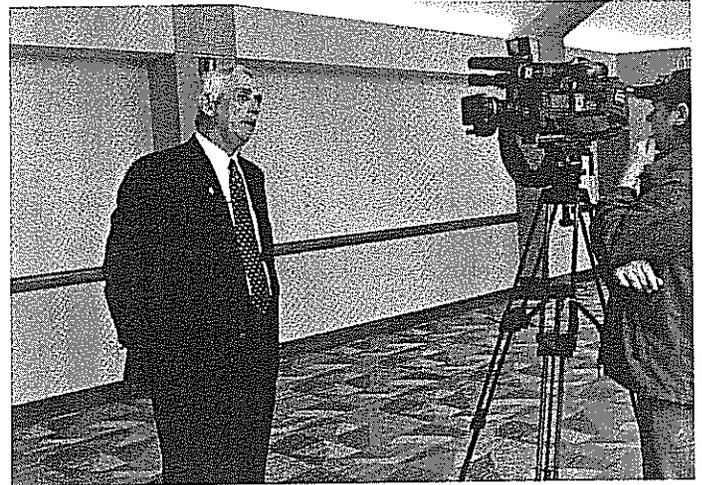
The treatment of marijuana related businesses varies considerably at the local level. Some Michigan communities have passed ordinances prohibiting "all uses inconsistent with federal law," eliminating such businesses by implication. Others rely on the Act's silence to declare businesses illegal, while some welcome entrepreneurial interests and zone specifically for marijuana businesses.

The Emergence of Cannibusiness

Despite conflicting opinions on the legality of marijuana businesses, commercial entities are forming. The terms "compassion clubs," "dispensaries," and "social clubs" are often used to describe varying types of these entities. However, labels alone are irrelevant. The appropriate inquiry is whether the individuals involved are legally authorized to engage in the specific activities at issue.

Nurseries

Cultivation of marijuana is redefining the traditional concept of a nursery. Often permitted by right in zoning ordinances, a nursery may now encompass a collaborative grow operation between marijuana caregivers. Pursuant to the MMMA, marijuana must be grown in an "enclosed locked facility." Such a facility is defined as "a closet, room, or other enclosed area equipped with locks or other security devices" that permits access only by a caregiver or patient. Some entrepreneurs are relying upon this definition to subdivide warehouses into smaller, individual grow rooms.



Michael Woodworth, president of The Hubbard Law Firm and presenter at the League's Medical Marijuana seminar in Lansing, talks to the press.

A central grow facility may help municipalities alleviate concerns relating to multiple marijuana cultivations in residential areas. Of course, these facilities present their own public safety and land use issues. And, the larger they become the more they risk federal government intervention. Despite these concerns, commercial grow operations are being pursued, with or without governmental sanction, even in rural municipalities.

Patient-to-Patient Transfers

Patients may cultivate their own marijuana or designate a caregiver to cultivate on their behalf. A patient's caregiver designation changes two important legal rights. First, the designating patient may no longer cultivate marijuana—he or she has assigned that right. Second, the assigned caregiver receives protections for assisting a patient to whom that caregiver is connected through the state's registration process.

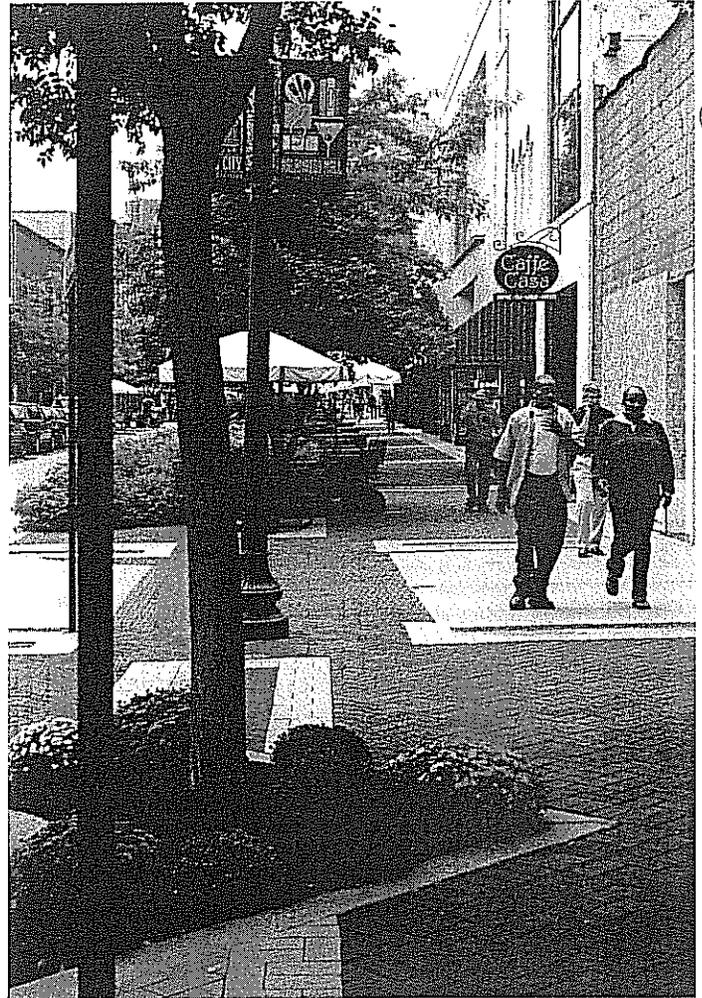
The designation of a caregiver does not remove all of the designating patient's rights. Patients, with or without a caregiver, may acquire, transfer and deliver marijuana. These rights have given rise to businesses featuring patient-to-patient transfers. Patient-to-patient transfers, with individuals on each side of the transaction permitted to acquire, transfer and deliver marijuana, absent any other nexus between them, has sparked heated debates.

Many contend these transactions are illegal because the Act does not expressly permit patient-to-patient sales or because they run afoul of the Act's intent. Others argue this type of transaction is not only permitted, but necessary to

Some potential areas for improvement and expanded sustainable transportation facilities include:

- Sharing transportation corridors with non-motorized transportation, and providing connections to various transportation modes. The city of East Lansing Abbott Road improvements shared right of way for non-motorized trails that link parks, residential areas, shopping, restaurants, and the city's Aquatic Center, and provided access to mass transit.
- Increasing the use of available space for stormwater enhancing features and integrating stormwater management into the design from the earliest stages of a project. The Abbott Road improvements also utilized a narrow median to reduce the area of construction and avoid wetland areas, constructed wetlands for storm water volume management and water quality enhancement, and became part of the city's passive recreational and environmental area.
- Greater use of asset management systems to more actively maintain roadways in a structured and prioritized basis can extend the service life of infrastructure improvements. Educating citizens on the benefits and consequences of improving the environment through infrastructure projects. For example, biking or ride sharing may be inconvenient but better for the environment and more cost efficient; and roundabouts use less fuel and take less time for the driver than traditional signalized intersections even though some drivers find them difficult to navigate.

Much has been done to build sustainability into our transportation networks, and the bar is constantly being raised. The greatest challenge we face in an era of slower growth is how to fund what we need. We will need to apply the same ingenuity that produced this golden age in transportation networks to this new challenge. 



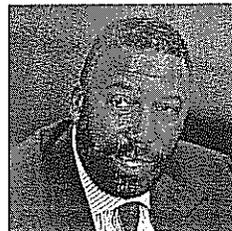
Fuel consumption can be reduced by designing roadways for all users, encouraging bicycle and pedestrian travel, providing non-vehicular transportation opportunities and healthy recreational activities.

CONVENTION SPEAKER

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Robert Bobb
Education

Robert Bobb is the former Kalamazoo city manager and now the emer-

gency financial manager of Detroit Public Schools. Bobb's team is creating a Master Education Plan for 21st Century Teaching and Learning even as they work to turn around the district's legacy deficit of more than \$300 million. You won't want to miss his presentation on education.



Details: convention.mml.org

provide patients continued availability of their medicine. They point out that, if a patient can only acquire marijuana from an assigned caregiver, that patient will be forced to forego medicine while waiting for the caregiver's plants to mature.

Edibles

As an alternative to inhaling harmful smoke, many patients choose to ingest marijuana-infused products. Accordingly, businesses are forming to sell food products produced with marijuana oils and butters.

The MMMA places no regulations on ingestible marijuana businesses, leaving local governments to sort out the issues. In response, municipalities may consider requiring such operations to have commercial kitchens, undergo sanitary safety and health inspections, or impose labeling requirements that call for the disclosure of the product's ingredients, the amount of marijuana used, and the level of its potency.

Local Government's Responsibility

Local governments, challenged to maintain public services in the face of record deficits, may be frustrated by the need to also address marijuana policy. But municipalities can't depend upon clarification from Lansing. This is true, in part, because Michigan's Constitution requires a super-majority vote to amend citizen-initiated laws. Without another vote of the people, a ¾ vote of each house of the Michigan Legislature is required for an amendment to the MMMA.

As a result, the constituent units of Michigan's central government are being asked to fill in the MMMA's gaps. Villages, cities, and townships have responded by creating a patchwork of local regulations, the inconsistency of which may undermine the effectiveness of any individual ordinance.

Communication between municipalities is recommended to resolve medical marijuana issues and foster a regional approach to reduce patchwork regulation, maximize medical marijuana's benefit and limit its adverse effects. Local officials should collaboratively voice their concerns and cooperate to determine the most prudent methods to resolve the identified risks.

The lack of experience regulating marijuana makes forming effective answers difficult, but not impossible. With education, communication, and proper guidance, municipalities can enact practical and effective ordinances.

Like it or not, Michigan must now clarify how to regulate medical marijuana. Our governmental structure allows local solutions to serve as a prototype for statewide answers. Municipal officials, with input from their citizens, will ultimately step up and solve the issues presented on a local level. In this fashion, our federalist system will rely on its smallest constituent unit: local government. 

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