

The City of Vassar Ordains

Ordinance No. 2020-01

At the February 18, 2020 Special council meeting, the Vassar City Council did adopt the following:

Ordinance No. 2020-01 an ordinance of the City of Vassar, Michigan, amending the following:

Chapter 86: Zoning: In part to address Marihuana Businesses within the City of Vassar in accordance with State Law.

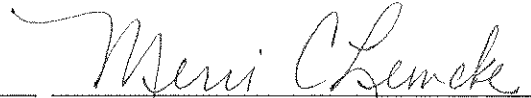
Effective date: These amendments shall take immediate effect upon publication of this ordinance in a newspaper or general circulation.

Copies of the complete ordinance are available for review by the public Monday through Friday between 8:00am and 4:30pm at Vassar City Hall, 287 E Huron Avenue, Vassar, MI 48768.

Public Hearing of Vassar Planning Comm.	January 20, 2020
1 st Reading by Council	February 3, 2020
2 nd Reading by Council	February 18, 2020
Public Hearing of Council	February 18, 2020
Adopted by Council	February 18, 2020
Published in the Tuscola County Advertiser	February 22, 2020

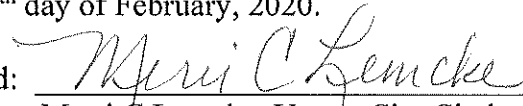


Michael Damm, Mayor



Merri C. Lemcke, City Clerk

I hereby certify that the attached is true and correct copy of a resolution made and adopted at a Special Council meeting of the governing body of this municipality on the 18th day of February, 2020.

Signed: 
Merri C Lemcke, Vassar City Clerk

CITY OF VASSAR
ORDINANCE #2020-01

AN ORDINANCE TO AMEND IN PART CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF VASSAR, MICHIGAN TO ADDRESS MARIHUANA BUSINESSES WITHIN THE CITY OF VASSAR IN ACCORDANCE WITH STATE LAW.

THE CITY OF VASSAR, MICHIGAN, ORDAINS:

CONTENTS

This Ordinance consists of the following parts:

PART A

SECTION 86-16 – DEFINITIONS M-N..... 1

PART B

SECTION 86-50 PERMITTED USES..... 2

PART C

SECTION 86-60 PERMITTED USES..... 3

PART D

SECTION 86-150 – MARIHUANA..... 3

PART E

SECTION 86-287– SPECIAL LAND USE SPECIFIC REQUIREMENTS. 4

PART F

SECTION 86-294 – CONDITIONAL LAND USE SPECIFIC REQUIREMENTS..... 5

PART G

EFFECTIVE DATE OF ORDINANCE..... 6

PART A

SECTION 86-16 – DEFINITIONS M-N

Chapter 86 of the City of Vassar Code of Ordinances, adopted May 6, 2002, as amended, (hereinafter the “Zoning Ordinance”), is hereby amended by the amendment of Section 86-16 to add the following definitions:

MMMA means the Michigan Medical Marihuana Act, the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.

MMFLA means the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, et seq., as amended, and the rules promulgated thereunder, as applicable.

MRTMA means the Michigan Regulation and Taxation of Marihuana Act, the initiated law of 2018, MCL 333.27951, et. Seq., as amended and all future amendments.

Marihuana means the term as defined in the MRTMA.

Marihuana business means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan and permitted under Chapter 50.2 of this Code, inclusive of medical marihuana facilities under MCL 333.27102(l), and marihuana establishments under MCL 333.27953(h).

Medical marihuana home occupation means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (1) is performed within a single-family dwelling, (2) is for the purpose of assisting one or more registered qualifying patients with the medical use of marihuana who do not reside in the dwelling and (3) complies with the MMMA.

State marihuana law means the MMMA, MMFLA, MRTMA, any amendments thereto, rules and regulations promulgated thereunder, and any other state law governing marihuana.

State marihuana license means a license issued by the State of Michigan that allows a person to operate a marihuana business or to otherwise use or cultivate marihuana under state marihuana law.

PART B

SECTION 86-50 PERMITTED USES.

The Zoning Ordinance is hereby amended by the amendment of Section 86-50 to add the following marihuana-related uses to the table of permitted uses:

Permitted Uses in the Central Business District	Central Business District		General Business District
	Downtown Core *non-retail and office type uses are not permitted on the first/ground floor	Downtown Transitional	
Marihuana			
Marihuana Provisioning Centers, Retailers, Secure Transporters, Safety Compliance Facilities, and Microbusinesses			S

PART C
SECTION 86-60 PERMITTED USES.

The Zoning Ordinance is hereby amended by the amendment of Section 86-60 to add the following marihuana-related uses to the table of permitted uses:

Permitted Uses in the Industrial District	
	I-1
Marihuana	
Marihuana Growers (and class)	S

PART D
SECTION 86-150 – MARIHUANA.

The Zoning Ordinance is hereby amended to replace Section 86-150 in its entirety as follows:

- a. Findings and Purpose.
 1. It is the intent of this section to comply with state marihuana law and to provide appropriate locations and reasonable restrictions for marihuana use and cultivation allowed by the MMMA, MMFLA, MRTMA. These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
 2. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.
 3. It is the intent of the City that nothing in this Chapter be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow activity relating to marihuana that is illegal under state law.
 4. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under state marihuana law, including but not limited to under the MMMA, MMFLA, and MRTMA.
 5. The City recognizes that federal law is not impacted by the adoption of this Ordinance, and, therefore, does not intend, and the public shall not construe, this Ordinance to grant immunity under federal law, including but not limited to the Federal Controlled Substances Act.
- b. Words and phrases. Unless otherwise defined in this Chapter, words and phrases contained in the MMFLA, MMMA, or MRTMA shall have the same meanings in this Code, as applicable.
- c. Medical marihuana home occupations. Cultivation or other medical use of marihuana as a medical marihuana home occupation:

1. Is permitted in the RA-1, RA-2, RA-3 one-family and two-family residential districts.
 2. Shall, at all times, comply with the MMMA; and
 3. Shall, at all times, comply with all other performance standards for home occupations as provided in Section 86-143 of this Chapter.
 4. The owner of the location of the primary caregiver activities shall, at all times, comply with all applicable provisions of this Code. This provision applies to the premises and shall not be construed as a restriction on primary caregiver activities.
 5. This Section is not intended to regulate the personal use of marihuana compliant with the MMMA.
- d. Marihuana businesses. In addition to all other applicable Code provisions, marihuana growers, provisioning centers, retailers, secure transporters, safety compliance facilities, and microbusinesses shall comply with the additional specific site and/or use standards set forth in Section 86-287.x. of this Code.
- e. Prohibited Marihuana-Related Uses.
1. Pursuant to the MRTMA, MCL 333.27956(1) and to protect the public health, safety, and welfare of the residents of the City, the City hereby completely prohibits the following uses in any and all locations within the City:
 - i. Designated marihuana consumption establishments;
 - ii. Temporary marihuana events
 2. Any medical marihuana facility or adult-use marihuana establishment not specifically allowed by this Code is prohibited within the City. In the event that any state law or rule is enacted or amended to provide for additional types of marihuana-related entities, uses or activities, such entities, uses or activities shall be prohibited in the City in accordance with the MRTMA, MCL 333.27956(1) unless and until the City amends this Chapter and Section 50.2 of this Code to specifically allow for the same.
- f. Civil forfeiture. In addition to all other available penalties and remedies available under applicable laws, any marihuana cultivated, sold or possessed with the intent to sell in violation of this section may be seized, forfeited and disposed of by the police agencies serving the City.
- g. Penalty. Any violation of this section shall constitute a municipal code infraction. Each day that a violation occurs shall be considered a separate offense. The city may in addition seek injunctive relief.

PART E

SECTION 86-287– SPECIAL LAND USE SPECIFIC REQUIREMENTS.

The Zoning Ordinance is hereby amended by the amendment of Section 86-287 to add marihuana businesses to the table of land uses with specific requirements and to add marihuana businesses to the land uses with specific site and/or use standards as Section 86-286.x as follows:

Land Uses with Specific Requirements
Marihuana businesses (<i>Section 86-287.x.</i>).

- x. Marihuana businesses.
 - 1. Findings and Purpose.
 - i. It is the intent of this section to provide appropriate locations and reasonable restrictions for marihuana businesses allowed by the MMFLA, MRTMA and Chapter 50.2 of this Code. These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
 - ii. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.
 - iii. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under state law, including but not limited to under the MMMA, the MMFLA, and the MRTMA.
 - 2. Location.
 - i. A marihuana business shall not be within a 1,000-foot radius from any parcel within the City with a school, church or public library located on it. Measurement of the 1,000-foot radius shall be made from the lot line of the lot upon which the proposed marihuana business will be situated to the lot line of the lot upon which the school, church or public library is situated and shall be the shortest distance between the respective lot lines.
 - 3. The applicant for a special exception use must provide evidence of compliance with all state statutes related to the requested marihuana businesses.

PART F

SECTION 86-294 – CONDITIONAL LAND USE SPECIFIC REQUIREMENTS.

Section 86-294 of the Zoning Ordinance is hereby amended to remove reference to Marihuana in the table of Land Uses with Conditional Requirements and to delete subsection 86-294.f. as follows:

Land Uses with Conditional Requirements
Automobile washes, automatic or self-service (Section 86-294.a.)
Automobile or vehicle dealerships (Section 86-294.b.)
Bars, taverns, lounges, microbreweries (accessory), and brewpubs (Section 86-294.c.)
Funeral homes and mortuary establishments (Section 86-294.d.)
Kennels (Section 86-294.e.)
Mini- or self-storage warehouses (Section 86-294.g.)
Outdoor retail display and sales (Section 86-294.h.)
Pet boarding facilities (Section 86-294.i.)
Restaurants with an open front window (Section 86-294.j.)

Small Manufacturing Establishment (Section 86.294.k.)
Veterinary Hospitals (Section 86-294.l.)

a-e. [Unchanged]

f. Deleted

g-l. [Unchanged]