

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN**

**CITY COUNCIL
CERTIFIED RESOLUTION
NO. 110411-05**

Adopt Ordinance #407; Regulate Medical Marijuana Dispensaries & Growing Facilities

Resolution No. 110411-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

I Move the City of Swartz Creek adopt Ordinance No. 407, an Ordinance to amend the Zoning Ordinance of the City of Swartz Creek To Regulate Medical Marijuana Dispensaries and Growing Facilities in response to the Michigan Medical Marijuana Act of 2008, as follows:

THE CITY OF SWARTZ CREEK ORDAINS:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 407**

An Ordinance To Amend The Zoning Ordinance of the City of Swartz Creek To Regulate Medical Marijuana Dispensaries and Growing Facilities in response to the Michigan Medical Marijuana Act of 2008.

THE CITY OF SWARTZ CREEK ORDAINS:

The City Council of the City of Swartz Creek hereby amends the City Zoning Ordinance as follows:

Section 1. *Amendment of Section 2.07 of Article 2 of the City of Swartz Creek Zoning Ordinance.*

The City Council hereby amends Section 2.07 of Article 2 of the City Zoning Ordinance by adding thereto the following new definitions:

Medical Marijuana (Marihuana) Dispensary. A medical marijuana dispensary shall mean a facility, jointly owned or operated by two or more "primary caregivers," where marijuana is stored, dispensed or offered for sale to "qualifying patients" under the Michigan Medical Marijuana Act of 2008. A "primary caregiver," "qualifying patient" and "marijuana" shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

Medical Marijuana (Marihuana) Growing Facility. A medical marijuana growing facility shall mean a facility, jointly owned or operated by two or more “primary caregivers,” where marijuana is grown, cultivated, processed and/or packaged for “qualifying patients” but is not offered for direct or retail sale at this location to “qualifying patients” under the Michigan Medical Marijuana Act of 2008. A “primary caregiver,” “qualifying patient” and “marijuana” shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

Section 2. Amendment of Section 14.02 of Article 14 of the City Zoning Ordinance.

The City Council hereby amends Section 14.02 of Article 14 of the City Zoning Ordinance by adding thereto a “medical marijuana dispensary” as a use permitted as a Special Land Use in the GBD, General Business zoning district.

Section 3. Amendment of Section 17.02 of Article 17 of the City Zoning Ordinance.

The City Council hereby amends Section 17.02 of Article 17 of the City Zoning Ordinance by adding thereto a “medical marijuana growing facility” as a use permitted as a Special Land Use in the I-2, Heavy Industrial zoning district.

Section 4. Amendment of Section 30.09 of Article 30 of the City Zoning Ordinance.

The City Council hereby amends Section 30.09 of Article 30 of the City Zoning Ordinance by adding thereto, under subsection (A), a “Medical Marijuana Dispensary” and “Medical Marijuana Growing Facility,” as uses requiring specific site and/or use standards.

Section 5. Amendment of Section 30.09 of Article 30 of the City Zoning Ordinance.

The City Council hereby amends Section 30.09 of Article 30 of the City Zoning Ordinance by adding thereto, under subsection (B), the following specific site and/or use standards for a “Medical Marijuana Dispensary” and “Medical Marijuana Growing Facility,” to read as follows:

Medical Marijuana Dispensary and/or Medical Marijuana Growing Facility.

A. Dispensary & Growing Facility Location Limitations.

The contemplated location of any medical marijuana dispensary or growing facility shall not be permitted within 500 feet of the following uses. The distance between such uses shall be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the center of the primary entrance of the contemplated uses and the center of the primary entrance of the relevant use as follows.

1. Any other medical marijuana dispensary or growing facility;

Any residential district or use;

3. Any nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

4. Any church, house of worship or other religious facility or institution;

Furthermore, the contemplated location of any medical marijuana dispensary or growing facility shall not be permitted within a 1,000 foot radius of any school, public or private, and any public or municipal park.

B. Operational Limitations.

1. A medical marijuana dispensary or growing facility operation shall be limited to operating between 8:00 A.M. and 8:00 P.M., Monday through Saturday and 12:00 noon and 6:00 P.M. Sunday.

A medical marijuana dispensary or growing facility shall comply at all times with each and every provision of the Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.), and with all provisions of federal law, as enforced.

3. Marijuana or cannabis shall only be grown, manufactured or harvested inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.

4. Persons under the age of eighteen (18) years of age are not permitted to be on the premises of any medical marijuana dispensary and/or growing facility unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan.

5. All employees of a medical marijuana dispensary and/or growing facility shall have a valid primary caregiver card or a valid qualifying patient card issued by the State of Michigan.

6. The cultivation, manufacturing, growing, packaging, storing or distribution of marijuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.

7. *A facility that is limited to selling or dispensing medical marijuana shall provide detailed information regarding the growing facility from which it receives its stock of medical marijuana and illustrate the lawful connection between the source product grower and the dispensary's qualified patients.*
8. *Marijuana shall not be smoked, eaten or otherwise consumed at any dispensary or growing facility.*
9. *The owner of a medical marijuana dispensary and/or growing facility who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.*

C. Site Plan Requirements. *A site plan shall be submitted, conforming to all requirements of Article 29 of the City Zoning Ordinance and which shall include the following:*

1. *Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.*

Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
3. *Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.*
4. *Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard off the site.*
5. *Anticipated quantity of water to be used by any proposed hydroponics growing system(s), anticipated quantity of wastewater to be generated, and method for treating and properly discharging wastewater so as not to become a hazard or nuisance to nearby properties.*
6. *A description of the operation of the dispensary or growing facility in sufficient detail to permit the City to determine if the operation, as described, would be lawful and fully compliant with the Michigan Medical Marijuana Act of 2008.*

D. Inspections and Fees.

1. *An application and review fee, established from time to time by resolution of the City Council, shall accompany each application for approval of a medical marijuana dispensary and/or growing facility.*

Approved medical marijuana dispensaries and/or growing facilities shall submit annual permit renewal and facility inspection fees in amounts set by the City Council by resolution.

3. *All approved medical marijuana dispensaries and/or growing facilities shall permit authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, inspections for purposes of verifying compliance with all requirements of the Michigan Medical Marijuana Act of 2008 (MCL 333.26421, et seq.) and the City Zoning Ordinance, and any reasonable conditions placed upon the special land use permit by the City Council.*

Section 6. Effective Date.

This ordinance shall take effect on May 24, 2011

*Moved: Councilmember Hicks
Second: Councilmember Porath
Voting For: Shumaker, Abrams, Binder, Hicks, Hurt, Krueger
Voting Against: Porath
Absent: None.*

The Mayor declared the ordinance adopted.

PUBLISH: Sunday, May 1, 2011

THE SWARTZ CREEK NEWS

PROOF REQUIRED

Please bill the : City of Swartz Creek
8083 Civic Dr
Swartz Creek, MI 48473

Reference: Account # 8128