

**VILLAGE OF OVID  
CLINTON COUNTY, MICHIGAN**

**MEDICAL MARIHUANA ORDINANCE #**

At a regular meeting of the Village Council of the Village of Ovid, County of Clinton, Michigan was held on January 13, 2014 in the Council Chambers Room, in said Village.

**PRESENT:**

**ABSENT:**

It is moved by \_\_\_\_\_ and supported by \_\_\_\_\_ that the following ordinance be adopted.

Be it ordained by the Village Council of the Village of Ovid:

An ordinance to amend the Village of Ovid Zoning Ordinance to permit the limited possession, use and growing of Medical Marihuna, and possession and use of paraphernalia associated with the use of marihuana for medical purposes in accordance with the Michigan Medical Marihuana Act (MCL333.26421 ET SEQ); to define terms: to restrict the activities of registered qualified patients and registered caregivers in connection with the growing and furnishing of medical marihuana to those locations with in the Village of Ovid deemed to be suitable and compatible with other allowed land uses within the Village; to limit exposure of such activities to other persons and property; and to establish an effective date hereof.

**SECTION \_\_\_\_ . FINDINGS.**

The Village of Ovid recognizes that the citizens of the State of Michigan, by initiative, have approved the medical use of marihuana and the possession of marihuana for such purposes by persons suffering form debilitation conditions defined by the Michigan Medical Marihuana Act. In addition, said Act authorizes registered qualified patients to be assisted in such use by registered primary caregivers, and this Ordinance is adopted to address such use and activities within the Village. However, this Ordinance shall not be construed to provide immunity from criminal prosecution for offenses relating to growing, use, sale or possession of marihuana or possession of paraphernalia related thereto, or other activities which may be in violation of the Michigan Medical Marihuana Act and other statues. In addition, the Michigan Medical Marihuana Act and this Ordinance should not be construed to modify or in any way affect the application of Federal law or prosecution or confiscation of property under Federal law for offenses relating to such uses or activities. It is not the intention of this Ordinance to regular the growing or use of medical marihuana by a registered qualifying patient solely for his or her own consumption to the extent permitted by the Michigan Medical Marihuana Act, it

is not the intention of this Ordinance to provide for or authorize dispensaries or “compassion clubs” as permitted land uses in this Ordinance.

**SECTION \_\_\_\_\_, AMENDMENT OF CHAPTER 19, ARTICLE V, DIVISION 6, OF THE VILLAGE OF OVID ZONING ORDINANCE ENTITLED B-2 GENERAL BUSINESS DISTRICT.**

Chapter 19, of the Village Zoning Ordinance, shall be and is hereby amended to add the following:

Prohibited Land Uses: No land or premises within the Village of Ovid shall be Used for any activity not authorized by the laws of this State.

**SECTION \_\_\_\_\_. AMENDMENT OF OVID VILLAGE ZONING ORDINANCE CHAPTER 19, ARTICLE V, DIVISION 6, TO INCLUDED DEFINITIONS.”**

Chapter 19 of the Ovid Village Zoning Ordinance, “Definitions,” shall be and is hereby amended to add to the definitions set forth in said section the following.

**Compassion Club.** See Medical Marihuana.

**Debilitating Medical Condition.** See Medical Marihuana.

**Dispensary or Medical Marihuana Dispensary.** See Medical Marihuana.

**Marihuana.** See Medical Marihuana.

**Medical Use.** See Medical Marihuana.

**Primary Caregiver.** See Medical Marihuana.

**Qualifying Patient or Registered Qualifying Patient.** See Medical Marihuana.

**Usual Marihuana.** See Medical Marihuana.

**Medical Marihuana:** For purposes of this Ordinance the following definitions Shall apply,.

**Compassion Club:** any entity whose members are comprised of primary Caregivers or qualifying patients which is not open to the public and the purpose of which includes use or consumption of marihuana in any form or the facilitation of such use or consumption.

**Debilitating Medical Condition:** the conditions and circumstances Provided in Section 3(a) of the Michigan Medical Marihuana Act (MCL 333.26423 (a)).

**DISPENSARY OR MEDICAL MARIHUANA DISPENSARY:**

Any location at which marihuana is transferred from one person to another, other than transfers of marijuana from a registered primary caregiver to a qualifying patient to who said primary caregiver is connected through the Department of Community Health registration process.

**Marihuana (also known as marijuana and cannabis):** The substance defined in Section 7106 of the Public Health Code, PA 1978, No. 368 (MCL 333.7106).

**Medical Use:** 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. The term "transfer." As used herein, shall be limited to a transfer of marihuana from a primary or a registered primary caregiver to a qualifying patient or registered qualifying patient who is connected to the caregiver through the Department of Community Health's registration process.

**Primary Caregiver or Registered Primary Caregiver:** A person who has agreed to assist with a registered qualifying patient's medical use of marihuana and who has a valid registry identification card identifying said person as a primary caregiver.

**Qualifying Patient or Registered Qualifying Patient:** A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by the Michigan Department of Community Health which identifies the person as a registered qualifying patient.

**Usual Marihuana:** 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.

**SECTION -----. AMENDMENT OF OVID VILLAGE ZONING ORDINANCE CHAPTER 190, SECTION \_\_\_\_\_, "USES PERMITTED BY RIGHT," TO ADD SECTION \_\_\_\_\_, SECTION \_\_\_\_\_, "MEDICAL MARIHUANA GROWING OPERATION."**

Chapter 19, Section \_\_\_\_\_, Section \_\_\_\_\_, and Section \_\_\_\_\_ of the Ovid Village Zoning Ordinance, "Uses Permitted by Right," shall

be and is hereby amended to add Sections \_\_\_\_\_ entitled “Medical Marihuana Growing Operation,” as follows:

**Medical Marihuana Growing Operation.** A registered primary caregiver desiring to grow and harvest medical marihuana for more than one registered qualifying patient may locate the grow operation in the B-2 General Business District, subject to the site development standards set forth in Section \_\_\_\_\_, and the following additional conditions.

- (a) the grow operation shall be located in a secure, locked, fully enclosed structure outside of a radius of one thousand (1,000) feet from any school, including child daycare facilities, church, or drug rehabilitation facility or other medical marihuana grow facility.
- (b) Medical marihuana within the facility shall be limited to the number of Plants and the amount of usable marihuana permitted by Michigan law for each registered qualifying patient receiving assistance from the registered primary caregiver, plus an amount which may be legally possessed by the same registered primary caregiver, if said primary caregiver is also a registered qualifying patient.
- (c) Marihuana growing facilities shall be subject to mechanical, electrical, Fire and Police Department inspections, and no permit for a growing operation shall issue until satisfactory completion of such inspections.
- (d) The structure used for growing medical marihuana shall contain only the Marihuana belonging to one (1) registered primary caregiver, and shall not Exceed the amount authorized by law.
- (e) the grow facility shall at all times be secured and locked and shall be accessible only by the registered primary caregiver.
- (f) Lighting utilized for growing shall not be visible from the exterior of the building.
- (g) the registered caregiver operating the grow facility shall obtain a Certificate of zoning compliance on a confidential basis from the Village.
- (h) A qualifying patient list shall be kept current by the primary caregiver.
- (i) All marihuana locked at all times.
- (j) Must be in compliance with state law and local ordinances.
- (k) Hours of operation shall be 7:00 a.m. – 7:00 p.m.

- (l) Cooperation with all governmental agencies to the extent as provided by law.
- (m) No sign on the outside of building, only display address.
- (n) Must be 1000 feet from schools, playgrounds, libraries, child-care Facilities and youth centers and 500 feet from other dispensaries.
- (o) One caregiver per physical location.
- (p) 500 feet from any residential area.
- (q) Must be in compliance with state law and local ordinance regarding proper ventilation.
- (r) Must be in compliance with state law and local ordinance to include all fire codes adopted by Village Ordinance.
- (s) Penalty more than a civil infraction (i.e., closure of business)? See **PENALTY FOR VIOLATION** below.

**SECTION \_\_\_\_\_. CONFIDENTIALITY.**

Application for permits submitted by a qualified caregiver, including information regarding the patient's primary caregiver, is confidential.

**SECTION \_\_\_\_\_, SEVERABILITY.**

The various sections and provision of this Ordinance shall be deemed to be severable and, should any section or provisions of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole or any section or provisions of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**SECTION \_\_\_\_\_. PENALTY FOR VIOLATION.**

Civil infraction, with a penalty or \$500.00 (or the maximum permitted by law if less than \$500.00) for each violation.

In the event of two or more violations within twelve months, such may be grounds for revocation, following hearing.

**SECTION \_\_\_\_\_. REPEAL OF INCONSISTENT ORDINANCES.**

All Ordinances heretofore adopted by the Village of Ovid which are in conflict with this Ordinance shall be and are hereby repealed.

**SECTION \_\_\_\_ . EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days from and after its adoption and publication as provided by law.

First Reading: **December 9, 2013**  
First Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

\_\_\_\_\_  
William Lasher, President

\_\_\_\_\_  
Josefina Medina, Clerk

Josefina Medina  
Village Clerk