

**AN ORDINANCE
ADDING TO AND AMENDING THE CITY OF CHEBOYGAN ZONING
ORDINANCE; TITLE XV CHAPTER 154 ARTICLE 2-DEFINITIONS; ARTICLE 4
DISTRICT REGULATIONS; COMMERCIAL DISTRICT; CENTRAL BUSINESS DISTRICT;
LIGHT INDUSTRIAL DISTRICT; HEAVY INDUSTRIAL DISTRICT;
ARTICLE 7 SPECIFIC USE STANDARDS; ARTICLE 13 NONCONFORMING LOTS, USES,
AND STRUCTURES; TO ALLOW RECREATIONAL MARIHUANA FACILITIES**

At a regular meeting of the City Council of the City of Cheboygan, Cheboygan County, Michigan, held at the Cheboygan City Hall on _____, _____, 2020 at __:00 p.m. Council Person _____ moved to adopt the following amended Ordinance, which motion was seconded by Council Person _____, motion carried.

THE CITY OF CHEBOYGAN ORDAINS:

ARTICLE 2

DEFINITIONS AND USE OF TERMS

Section 2.03 Definitions pertaining to Recreational Marihuana.

Grower. A permittee/licensee that is a commercial entity located in the state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

Licensee. A person holding a state operating license issued under the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.

Marijuana or marihuana. That term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 and the Marihuana Tracking Act, MCL 333.27901 et seq.

Marijuana/ marihuana facility. Enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., including a marijuana grower, marijuana processor, marijuana retail sales facility, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

MMFLA. Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., being PA 281 of 2016. Any term defined in the MMFLA shall have the definition given in the MMFLA.

MRTMA. Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq. Any term defined in the MRTMA shall have the definition given in the MRTMA.

MTA. Marihuana Tracking Act, MCL 333.27901 et seq, being PA 282 of 2016. Any term defined in the MTA shall have the definition given in the MTA.

Permit. A current and valid Permit for a Recreational Marihuana Facility issued by the City of Cheboygan which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.

Permittee. A person holding a City of Cheboygan operating Permit issued under the provisions of City Ordinance.

Permit Holder. A Person that holds a current and valid Permit issued under the provisions of City Ordinance.

Permitted Premises. A particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.

Permitted Property. The real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.

Person. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust or other legal entity.

Processor. A permittee/licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

Retail Sales Facility. Means a permitted building in which a licensee that purchases marihuana from a grower or processor, and sells, supplies, or provides marihuana to individuals who are 21 years of age or older. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a retail sales facility for purposes of this ordinance.

Safety compliance facility. A permittee/licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

Secure transporter. A Permittee/licensee that is commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Marijuana Retailer. Means a person or entity licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

TITLE XV, CHAPTER 154, ARTICLE 4

B-2 CENTRAL BUSINESS DISTRICTS

Section 4.13(A) and 4.20 – Permitted Use

Recreational marihuana retail sales facilities as authorized by City Ordinance, not to exceed a total of Two (2) at a location presently occupied by a permitted medical marijuana provisioning center.

TITLE XV, CHAPTER 154, ARTICLE 4

B-3 GENERAL BUSINESS DISTRICTS

Section 4.14(A) and 4.20 – Permitted Use

Recreational marijuana retail sales facilities as authorized by City Ordinance at a location presently occupied by a permitted medical marijuana provisioning center.

TITLE XV, CHAPTER 154, ARTICLE 4

I-1 LIGHT INDUSTRIAL DISTRICTS

Section 4.18(A) and 4.20 – Permitted Uses

A recreational marihuana grower as authorized by City Ordinance.

A recreational marihuana processor as authorized by City Ordinance.

A recreational marihuana secure transporter as authorized by City Ordinance.

A recreational marihuana safety compliance facility as authorized by the City Ordinance.

TITLE XV, CHAPTER 154, ARTICLE 4

I-2 HEAVY INDUSTRIAL DISTRICTS

Section 4.19(A) and 4.20 – Permitted Uses

A recreational marihuana grower as authorized by City Ordinance.

A recreational marihuana processor as authorized by City Ordinance.

A recreational marihuana secure transporter as authorized by City Ordinance.

A recreational marihuana safety compliance facility as authorized by the City Ordinance.

TITLE XV, CHAPTER 154, ARTICLE 7

SPECIFIC USE STANDARDS

Section 7.36(A) – Recreational Marihuana Facilities – All Types.

1. A recreational marihuana grower, processor, retail sales facility, secure transporter, and safety compliance facility, in accordance with the provisions of state law, are permitted provided that:

- A. No recreational marihuana grower, processor, retail sales facility, safety compliance facility or secure transporter shall be located within one Thousand (1,000) feet of real property comprising a public or private elementary, or secondary school.
- B. No recreational marihuana grower, processor, retail sales facility, safety compliance facility or secure transporter shall be located within Five Hundred (500) feet of real property comprising a church or a public park with activities designed specifically for youth.
- C. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the City. In the event that a court with jurisdiction declares some of all of this article invalid, then the City may suspend the acceptance or processing of applications for permits pending the resolution of the legal issue in question.
- D. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the City.
- E. A recreational marihuana facility, or activities associated with the permitted and licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home occupation or accessory use.
- F. Signage requirements for recreational marijuana facilities are as provided in the City Sign Ordinance, being Chapter 154 Article 12 in the City Code of Ordinances.
- G. No recreational marihuana facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable beyond the boundaries of the property on which the recreational marihuana facility is operated.

2. Recreational marihuana growers and processors shall also be subject to the following standards:

- A. The minimum operation standards of growers and processors found in the City Recreational Marihuana Ordinance.
- B. All applicable regulations of Title XV including but not limited to Accessory Buildings and Structures, Parking Requirements, Signs, Visual Screening Requirements, Building Height Regulations, and Yard, Setback and Lot Area Requirements.
- C. All marihuana growing and processing shall be located entirely within an enclosed, locked facility which shall include one or more completely enclosed buildings.
- D. If only a portion of a building used for marihuana production, a partition wall from floor to ceiling shall separate the marihuana production space from the remainder of the building. A partition wall must include a door capable of being closed and locked from

both sides for ingress and egress between the marihuana production space and the remainder of the building.

- E. Light cast by light fixtures inside any building used for marihuana production or processing shall not be visible outside the building from sunset to sunrise the following day.

TITLE XV, CHAPTER 154, ARTICLE 13

NONCONFORMING USES, BUILDINGS AND LOTS

Section 13.01 (J) – Recreational Marihuana Facilities. No recreational marihuana facility operating or purporting to operate prior to the adoption of this ordinance, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this ordinance.

Effective Date

This Ordinance shall become effective twenty (20) days after its enactment.

Moving Councilperson:

Supporting Councilperson:

Roll Call Vote:

Ayes:

Nays:

Abstain:

Absent:

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHEBOYGAN, CHEBOYGAN COUNTY, MICHIGAN, ON THE ____ DAY OF _____, 2020, AND PUBLISHED IN THE CHEBOYGAN DAILY TRIBUNE NEWSPAPER ON _____, 2020.

By: _____
Mayor Mark Bronson

By: _____
Bridget Brown, Clerk

CERTIFICATION

I hereby certify that the above is a true and complete copy of a resolution adopted by the City Council of the City of Cheboygan, County of Cheboygan, State of Michigan, at a regular meeting held on the _____ day of _____, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Bridget Brown, City Clerk