

VILLAGE OF MILLINGTON

ORDINANCE NO. 110

An ordinance to amend various articles of the Village of Millington Zoning Ordinance to regulate the medical use of marijuana within the Village.

THE VILLAGE OF MILLINGTON HEREBY ORDAINS:

Section 1. Amendment to Section 36-201 of Article II of the Village of Millington Zoning Ordinance.

The Village hereby amends Section 36-201 Zoning Ordinance by adding the following definitions thereto:

The Act shall mean the Michigan Medical Marijuana Act, MCL 333.26421, et seq.

Marijuana shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Act.

Medical Marijuana Uses shall mean the acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with a debilitating medical condition, as defined by the Act, being MCL 333.26423(h).

Registered Primary Caregiver and Registered Qualifying Patient shall have the meanings ascribed to them by the Act.

Section 2. Amendment to Section 36-303 Table 3-1 of Article III of the Village Zoning Ordinance.

The Village hereby amends Section 36-303, Table 3-1 of Article III the Zoning Ordinance by adding thereto a new subsection under the Residential table, R-1 and R-3 zoning districts, for "Medical Marijuana Home Occupation" requiring a Special Use Permit.

Section 3. Amendment to Section 36-303 Table 3-2 of Article III of the Village Zoning Ordinance.

The Village hereby amends Section 36-303 Table 3-2 of Article III of the Zoning Ordinance by adding thereto "home occupation, medical marijuana uses" under Residential Uses with the following use standards:

(5) Criteria for approval of Medical Marijuana Home Occupation.

1. Not more than one registered primary caregiver, who shall also be a full-time resident of the dwelling unit, shall be permitted to maintain medical marijuana uses as a home occupation at any one parcel in the Village.

2. Medical marijuana uses shall be conducted entirely within a dwelling unit, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as the Act defines that phrase), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the Act.

3. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling unit of the primary caregiver beyond that which is permitted by law.

4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.

5. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

6. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Village President or his or her designee.

7. The property, dwelling unit and all enclosed, locked facilities shall be available for inspection upon request by the Village President or his or her designee.

8. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

9. Once approved, the special use permit is subject to renewal with the Village on an annual basis.

10. The storage of any chemicals such as herbicides, pesticides, and fertilizers, shall be subject to inspection and approval by Village building officials.

11. The separation of plant resin from a marijuana plant by butane extraction or any other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, a motor vehicle, inside a residential structure or the curtilage of a residential structure is prohibited.

12. No equipment or process shall be used in growing, processing, or handling of marijuana which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line. In

case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receive off the premises or causes fluctuation of line voltage off the premises.

13. Registered primary caregivers shall implement appropriate exhaust ventilation systems inside dwelling units to mitigate noxious gasses or other fumes used or created as part of any Medical Marijuana Uses. Exhaust ventilation equipment must be appropriate for the hazard involved and must comply with local fire code and Michigan mechanical codes, and venting of those systems should occur between the hours of 8:00PM and 7:00AM.

14. The above provisions apply only to those uses permitted under the Michigan Medical Marijuana Act, PA 2008 Initiated Law, MCL 333.26421 et seq. Nothing herein shall be read or construed as to permit uses or activities provided for by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., or the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.

Section 4. Effective date.

This ordinance shall take effect thirty days after publication.

Voting for: Bassett, Beam, Bonadurer, Nesbitt, Reinert, Selich, Slough

Voting against: None

The President declared the ordinance adopted.

Kaylene Long
Village Clerk

Gailan Reinert
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 110 which was enacted by the Village of Millington Council at a regular meeting held on December 13, 2021.

Kaylene Long
Village Clerk