

VILLAGE OF GRASS LAKE
JACKSON COUNTY, MICHIGAN

TITLE IX: GENERAL REGULATIONS

THE VILLAGE OF GRASS LAKE ORDAINS:

CHAPTER 96: MARIHUANA CAREGIVERS

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Section 96.01. Purpose.

For purposes of this article, the following definitions shall apply:

The purpose of this Ordinance is to regulate marihuana activities under the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.; to require a permit for registered primary caregivers assisting other qualifying patients; to regulate nuisances and other impacts by marihuana activities within the Village of Grass Lake as nuisances per se; to promote the general health, safety, and welfare of the community; and to repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

Section 96.02. Definitions.

A. Words used within this ordinance shall be construed to have the same meaning as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. (hereinafter {"MMMA"}, the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101, et seq. {"MMFLA"}, and the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, et seq. {"MRTMA"}, except where otherwise specifically provided.

B. Primary Caregiver Operation means the cultivation, storage and/or transfer of marihuana by a medical marihuana primary caregiver in accordance with the MMMA and Village of Grass Lake ordinances.

C. Premises means an individual legally described and delineated parcel.

D. Reasonably Available Odor Control Technology ("RAOCT") means an odor control technology that limits odor from a particular source or source category within the limits of Village ordinances by the application of control technology that is reasonably available considering technological and economic feasibility. RAOCT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls,

Section 96.03. Prohibition of unlawful marihuana activities.

The acquisition, possession, cultivation, use, delivery, distribution, processing, or transfer of marihuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the MMMA and local ordinances. This ordinance does not prohibit the acquisition, possession, cultivation, use, delivery, or transfer of marihuana by individuals over the age of twenty-one (21) pursuant to the MRTMA. This ordinance shall not be construed to permit commercial marihuana establishments or facilities to operate within the Village, unless authorized by another Village of Grass Lake ordinance.

Section 96.04. Primary caregiver assisting other qualifying patients, permit required, exception.

To ensure the health, safety, and welfare of the community, ensure compliance with the MMMA, and ensure compliance with this ordinance, a Primary Caregiver Operation is required to acquire a permit from the Village of Grass Lake by submitting an application with the required information below with any required application fee before operating a Primary Caregiver Operation within the Village.

1. An applicant that desires to operate a Primary Caregiver Operation must obtain a permit from the Village by submitting a written application containing all of the information below. The Village Clerk or their designee may create an application form for such permits, and if created, an applicant must submit their permit application using that form. The Village Council may establish by resolution a required application fee under the ordinance.

2. The permit application shall include:

- a. The applicant's name, address, phone number, and e-mail address;

- b. The address of the premises where marihuana will be acquired, possessed, cultivated, processed, used, or transferred;

If the applicant does not own the premises where marihuana will be acquired, possessed, processed, used, or transferred, he or she must provide written documentation outlining that such activities are permitted on the premises or indicating some ownership interest (e.g., a lease).

- c. A copy of the current state registration card issued to the primary caregiver;
- d. A full description of the nature and types of equipment which will be used in marihuana cultivation and processing;

Section 96.05. Primary caregiver operations regulations.

All Primary Caregiver Operations are subject to the following specific regulations to ensure compliance with state and local laws and to promote the health, safety, and general welfare of Village of Grass Lake residents and visitors.

1. There shall be no more than one Primary Caregiver Operation per premises.
2. All lighting shall be subject to the following general operating standards:
 - a. All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.
 - b. All lighting shall be shielded to the extent possible to reduce glare and visibility.
 - c. Grow lights shall not be used before 6:00 a.m. local time and shall not be used after 9:00 p.m. local time where they are visible from any adjacent properties or rights-of-way.
3. The operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air scrubbing and carbon filtration system so that no odor is detectable at the property line of the premises, unless the Village Council or its designated representative approves a Reasonably Available Odor Control Technology for a specific premises.
4. No signs or advertisements related to a Primary Caregiver Operation shall be permitted on the exterior of any structure on the premises.
5. To ensure compliance with all applicable requirements and laws, the portion of any building or structure where a primary caregiver assisting other patients acquires, possesses, cultivates, processes, transfers, or uses marihuana is subject to inspection and approval by a

Village of Grass Lake representative, including, but not limited to: (1) a code enforcement officer; (2) a law enforcement official serving the Village; or (3) a building official. Moreover, any premises and all enclosed, locked facilities on a premises with a Primary Caregiver Operation shall be available for inspection upon reasonable request by a building official, code enforcement officer, law enforcement official, or the Village President.

6. Marihuana cultivation, processing, use, and transfer shall be maintained in compliance with the requirements of Village ordinances, materials submitted with a permit application, and the MMMA. Any departure shall be grounds to revoke a permit at a hearing in front of the Village Council and for the Village to take other lawful actions to abate such nuisance. If a permit is revoked, an applicant shall not engage in a Primary Caregiver Operation for a period of one year after the revocation and until the applicant obtains a new permit under this ordinance.

Section 96.06. Generally applicable marihuana regulations.

The regulations below shall apply to any individual or entity within the Village of Grass Lake that uses, possesses, grows, transports, or conducts activities with marihuana, including Primary Caregiver Operations, in order to ensure compliance with state and local laws and to promote the health, safety, and general welfare of Village residents and visitors.

1. Marihuana grown on any premises for personal use must comply with the applicable provisions of the MMMA or MRTMA unless authorized as a licensed Primary Caregiver Operation or operating consistent with state or local law.
2. The acquisition, possession, cultivation, use, delivery, distribution, processing, sale, or transfer of marihuana within the Village of Grass Lake shall not create a public nuisance which unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity. No person shall commit, create, or maintain such public nuisance including by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazard, light pollution, toxic chemicals, or other public nuisance conditions that would offend a reasonable person of normal sensitivities.
3. Any person or entity with marihuana on a premises shall control any odor from their premises by regularly maintaining and operating an air scrubbing and carbon filtration system so that no odor from the acquisition, possession, cultivation, processing, transfer, sale, or use of marihuana is detectable at the property line of the premises, unless the Village Council or its designated representative, approves of Reasonably Available Odor Control Technology for a specific premises or if lawful activities associated with marihuana activities on a premises do not cause detectable odors at property lines.
4. All lighting associated with marihuana activities shall be directed away from and be shielded from adjacent properties without alteration a building (e.g., boarded up windows) and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.

5. Any storage of chemicals used for marihuana such as herbicides, pesticides, and fertilizers shall be stored in a reasonably safe and prudent manner.
6. Any person or entity shall use lawful methods to dispose of waste or byproducts from any lawful marihuana activities allowed within the Village of Grass Lake according to all applicable local, state, and federal laws and regulations.
7. All marihuana activities conducted by a person or entity must comply with applicable Michigan or local laws.

Section 96.07. Violations and penalties.

1. Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance, or who causes, allows, or consents to any of the same shall be deemed a municipal civil infraction. A violation of this ordinance is deemed a nuisance per se.
 - a. First and Second Violation. Any person that is found responsible for a municipal civil infraction for violation of this ordinance is, for the first and second violations, subject to a civil fine of not more than \$250.00 for each violation, plus costs, which costs may include all direct or indirect fees and expenses the Village of Grass Lake has incurred in connection with the violation, including reasonable attorney fees and any order necessary to compel compliance with the ordinance. This ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.
 - b. Subsequent Violations. Any person that is found responsible for a municipal civil infraction violation of this ordinance is, for each violation after the second violation, subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect fees and expenses the Village of Grass Lake has incurred in connection with the violation, including reasonable attorney fees and any order necessary to compel compliance with the ordinance. This ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.
2. This ordinance shall be administered and enforced by the Jackson County Sheriff's Department or another official or representative authorized by the Village of Grass Lake, or by such other person(s) as designated by the Village President from time to time. The ordinance enforcement duties herein authorized shall include:
 - a. Investigation of ordinance violations;
 - b. Issuing and serving municipal civil infraction as authorized under the Revised Judicature Act, Public Act 12 of 1994, MCL 600.8396, as amended;

- c. Appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators; and
- d. Such other ordinance enforcing duties as may be delegated by the Village President or assigned by the Village Attorney.

Section 96.08. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this article.

Section 96.09. Inconsistent provisions repealed.

Ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.

Section 9.10. Publication and effective date.

This ordinance shall be published as required by law and shall become effective on and after the earliest date permitted by law.

MEMBERS PRESENT: 6 G. Lammers, J. DeBrie, N. Zinis, J. Fitzgerald, J. Grimm
+ D. Keener
 MEMBERS ABSENT: 1 W. Shemwell

MEMBERS VOTING IN FAVOR OF ADOPTION: 6

MEMBERS VOTING AGAINST ADOPTION: 0

Dated: 21 Dec 2021
Paul A. DeBrie
 Village President

Dated: December 21, 2021
Debra Keener
 Village Clerk

Adopted: 12-21-2021
 Published: _____
 Effective: _____