

Village of Kalkaska
Ordinance No. 2020-001

TITLE: ORDINANCE AMENDING TITLE XV (LAND USAGE), SECTION 152.45 (MEDICAL MARIHUANA) OF THE VILLAGE CODE OF ORDINANCES.

THE VILLAGE OF KALKASKA ORDAINS:

That Title XV, Chapter 152, Section 152.45 be amended to read in its entirety as follows:

§ 152.45 Licensed Marihuana Facility

A. Definitions. The following words and phrases shall have the following meaning:

a. Licensed Marihuana Facility

A Facility authorized and defined pursuant to Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, Michigan Regulation & Taxation of Marihuana Act which is a:

- i. Grower
- ii. Processor
- iii. Secure Transporter
- iv. Provisioning Center
- v. Safety Compliance Facility
- vi. Marihuana Retailer
- vii. Marihuana Microbusiness
- viii. Marihuana Event Organizer
- ix. Temporary Marihuana Event
- x. Designated Consumption Establishment
- xi. Excess Marihuana Grower

b) All definitions contained in the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, and Michigan Regulation & Taxation of Marihuana Act (MRTMA) and Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations are incorporated here.

c) Residential Cultivation is the cultivation of medical marihuana by a patient or caregiver as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

B. Grower. A Grower or Excess Marihuana Grower is allowed in the Industrial (I) zoning district if it complies with all of the following:

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.

- b) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- c) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- d) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

C. Processor. A Processor is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- c) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

D. Secure Transporter. A Secure Transporter is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way

or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.

- c) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

E. Provisioning Center. A Provisioning Center or MMRTA Retailer is allowed in the Medical (MD), Commercial (C) and Industrial (I) zoning districts if it complies with the following:

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b) A Provisioning Center, MMRTA Retailer or Microbusiness or Designated Consumption Facility shall not be located within 500 feet of a pre-existing licensed daycare facility, pre-school, elementary school, middle school, or high school which is also located within the Village Limits, unless separated by a public roadway of 3 lanes or more. Measurements for purposes of this section shall be made between the closest property lines.
- c) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- d) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- e) No more than ~~eight (8) five (5)~~ Provisioning Centers and ~~eight (8) five (5)~~ retailer licensees shall be allowed in the Village of Kalkaska at any given time.

F. Safety Compliance Facility. A Safety Compliance Facility is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way

or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.

- c) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

G. Residential Cultivation is allowed in any zoning district where residential uses are allowed or exist if it complies with the following:

- a) It has a valid license from both the Village of Kalkaska and the patient or caregiver has proper state registry identification card.
- b) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- c) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18) . Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- d) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways. (Amended Ord. Adopted 6/12/17)

H. Microbusinesses are allowed in the Commercial District.

- a) It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b) A Microbusiness shall not be located within 500 feet of a pre-existing licensed daycare facility, pre-school, elementary school, middle school, or high school which is also located within the Village Limits, unless separated by a public roadway of 3 lanes or more. Measurements for purposes of this section shall be made between the closest property lines.
- c) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC"), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way

or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.

- d) All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- e) No more than three (3) marihuana microbusinesses shall be allowed in the Village of Kalkaska at any time.

Severability. If any section, clause, sentence or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effective without such invalid part or parts.

Effective Date. This Ordinance shall take effect eight (8) days after its publication in a newspaper of general circulation in the Village of Kalkaska, Kalkaska, County, Michigan.

Ayes:

Nays:

Absent:

ORDINANCE DECLARED ADOPTED.

By: Harley Wales, Village President

By: Angie Koon, Village Clerk

Date:

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Kalkaska, County of Kalkaska, State of Michigan, at a regular meeting held on _____, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on _____ in the following newspaper: The Kalkaska Review.

Angie Koon, Village Clerk