

**CITY OF READING
COUNTY OF HILLSDALE, STATE OF MICHIGAN**

**ORDINANCE NO. 2018-01
ADOPTED: January 9, 2018
EFFECTIVE: January 21, 2018**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF READING TO ALLOW FOR VARIOUS TYPES OF LICENSED MEDICAL MARIHUANA FACILITIES AS SPECIAL USES WITHIN CERTAIN ZONING DISTRICTS IN THE CITY, AND TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE APPROVAL AND OPERATION OF SUCH FACILITIES, AS AUTHORIZED PURSUANT TO ORDINANCE NO. 2017-01 OF THE CITY OF READING AND THE MICHIGAN MARIHUANA FACILITIES LICENSING ACT.

THE CITY OF READING ORDAINS THAT:

Section 152.009(B) of the Reading City Code is hereby amended to add the following definitions:

MARIHUANA GROWER means a marihuana facility licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

MARIHUANA FACILITY LICENSEE means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*, and a license issued by the City of Reading pursuant to Ordinance No. 2017-01.

MARIHUANA means 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.*; and the Marihuana Tracking Act, MCL 333.27901, *et seq.*

MARIHUANA FACILITY means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*, and Ordinance No. 2017-01, including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana 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.*

MARIHUANA PLANT means any plant of the species *Cannabis sativa L.*

MARIHUANA-INFUSED PRODUCT means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

MARIHUANA OUTDOOR PRODUCTION means growing marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including, but not limited to, electrical lighting sources.

MARIHUANA PROCESSOR means a marihuana facility licensee that is a commercial entity located in this state 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.

MARIHUANA PROVISIONING CENTER means a marihuana facility licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*, is not a provisioning center for purposes of this chapter.

MARIHUANA SAFETY COMPLIANCE FACILITY means a marihuana facility 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.

MARIHUANA SECURE TRANSPORTER means a marihuana facility licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

SECURITY PLAN means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana facility, approved for operation in the City of Reading.

Section 152.045(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

- (1) Radio and television sending or boosting stations;
- (2) Outdoor lawn and garden supplies and equipment;
- (3) Outdoor motor vehicle, trailer, boat sales and service;
- (4) Drive-in theaters;
- (5) Animal clinics and kennels;
- (6) Automobile sales and repair;
- (7) Professional offices and services;
- (8) Convalescent homes;
- (9) Marihuana provisioning center; and

(10) Other similar and compatible uses as determined by the Planning Commission and approved as a special land use.

Section 152.046(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

- (1) Ambulance service;
- (2) Automobile service stations;
- (3) Automobile repair;
- (4) Small animal clinics, except kennels;
- (5) Offices;
- (6) Marihuana provisioning centers; and

(7) Other similar and compatible uses as determined by the Planning Commission and approved as a special land use.

Section 152.047(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

- (1) All manufacturing actually involved in the conversion, treatment, or processing of raw material or previously processed material into another form;
- (2) Bulk fuel storage;
- (3) Sewage disposal plants;
- (4) Incineration plants;
- (5) Airports;
- (6) Sanitary landfills;
- (7) Power generating plants;
- (7) Marihauna growers;
- (8) Marihuana processors;
- (9) Marihuana secure transporters;

(10) Marihuana safety compliance facilities; and

(11) Marihuana provisioning centers.

Section 152.105(F) of the Reading City Code is hereby amended to add subsection (3), providing as follows:

(3) A marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law and applicable City ordinance, may be permitted through the issuance of a special use permit pursuant to this section in a district where such facility is allowed as a special land use, provided that:

(a) At the time of the application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, applicable City ordinance, and all applicable rules promulgated by the State of Michigan.

(b) At the time of application for a special use permit the marihuana facility must be licensed by the City, and must be at all times in compliance with the requirements of applicable City ordinances.

(c) The City may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Ordinance No. 2017-01, Ordinance No. 2017-02 or the terms of the special use permit and approved site plan are not met.

(d) A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.

Section 152.106(E) of the Reading City Code is hereby amended to add subsection (4), providing as follows:

(4) In addition to the requirements provided for in subsection (E)(3) above, site plans submitted for a marihuana facility must meet the following minimum requirements:

(a) For all marihuana facilities:

i. Maintain a minimum 300ft setback from all school properties.

ii. A satisfactory exterior lighting system.

iii. A satisfactory building security system.

iv. A satisfactory on-site security guard program.

v. An off-site official contact list.

- vi. Established hours of operation.
- vii. Appropriate signage.
- viii. A plan for facility inspection by the City, which shall include no less than an annual comprehensive fire and security inspection.
- ix. A security plan approved by Planning Commission with the advice of the City Police Department.
- x. All waste and by-products must be securely stored in a locked and enclosed space.
- xi. Co-location and stacking of marihuana facility licenses shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in this Chapter.
- xii. Such other conditions as may be suitable for the particular license, or facility to be operated by the marihuana facility licensee.

(b) For a marihuana grower facility, in addition to all other applicable requirements:

- i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
- ii. For a facility using artificial light for night time growing periods, a plan satisfactorily demonstrating that the marihuana facility licensee can contain all artificial light within the interior space of the facility.
- iii. A six (6) foot tall perimeter fence.

(c) For a marihuana processing center facility, in addition to all other applicable requirements:

- i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
- ii. No marihuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if occupants of adjoining structures or properties may be disturbed by said noise.
- iii. For a facility using artificial light for night time operations, a plan satisfactorily demonstrating that the marihuana facility licensee can contain all artificial light within the interior space of the facility.

iv. A six (6) foot tall perimeter fence.

(d) For a marihuana provisioning center facility, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.