

**CITY OF CEDAR SPRINGS  
CEDAR SPRINGS COUNTY, MICHIGAN  
(Ordinance No. 2021- \_\_\_\_)**

At a regular meeting of the City Council for the City of Cedar Springs held at City Hall on \_\_\_\_\_, 2021 beginning at \_:\_\_, the following Ordinance was offered for adoption by Council Member \_\_\_\_\_ and was seconded by Council Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE CITY CODE BY ADDING A NEW ARTICLE WHICH NEW ARTICLE SHALL BE DESIGNATED AS CHAPTER 5 ARTICLE III OF SAID CODE AND ENTITLED “MEDICAL MARIHUANA CAREGIVER OPERATIONS.”**

THE CITY OF CEDAR SPRINGS (the “City”) ORDAINS:

Section 1. Enacting of Chapter 5 Article III. Chapter 5, Article III of the Code of Ordinances for the City of Cedar Springs entitled “Medical Marihuana Caregiver Operations” is hereby enacted and reads in its entirety as follows:

ARTICLE III - MEDICAL MARIHUANA CAREGIVER OPERATIONS.

Sec. 1 - Definitions.

- A. Unless the context clearly indicates or requires otherwise, terms not defined in this Article will be defined pursuant to the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- B. Unless the context clearly indicates or requires otherwise, the following definitions will apply throughout this Article:
  - (1) “Act” means the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
  - (2) “Caregiver” means a “primary caregiver” or “caregiver” as defined in the Act who has been issued and possesses a valid registry identification card under the Act.
  - (3) “Caregiver operation” means the acquisition, possession, cultivation, manufacture, extraction, possession, delivery, transfer, or transportation of marihuana or marihuana-infused products by a primary caregiver for the purpose of assisting a qualifying patient’s medical use of marihuana under the Act.
  - (4) “Dwelling unit” means dwelling unit as defined in Chapter 40, Section 40-3.
  - (5) “Marihuana” means marihuana as defined in the Act.

- (6) “Qualifying patient” means a “qualifying patient” or “patient” as defined in the Act who has been issued and possesses a valid registry identification card under the Act.

## Sec. 2 - General.

- A. Unless operated in accordance with this Article, Chapter 40, and the Act, caregiver operations are prohibited.
- B. All cultivation of marihuana must take place inside of an enclosed locked facility as required under the Act.
- C. A caregiver operation must prevent smoke, odor, debris, dust, fluids, and other substances related to the acquisition, possession, cultivation, manufacture, extraction, possession, delivery, transfer, or transportation of marihuana or marihuana-infused products for the purpose of assisting a qualifying patient’s medical use of marihuana from exiting the principal building or dwelling unit in which the caregiver operation is located. The release of smoke, odor and other substances will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
- D. All caregiver operations must register with the City prior to commencing operations. All existing caregiver operations must register with the City within 30 days of the passage of this ordinance.
  - (1) Registration must be on the form and in the manner prescribed by the City.
  - (2) Registration must be updated annually.
  - (3) There is a continuing obligation by the registered caregiver to update the City regarding information provided on the registration form. The City must be notified, in the manner prescribed on the registration form, within 10 days of any changes.
  - (4) The registration fee will be as established from time to time by resolution of the City Council.
  - (5) Caregiver operations are subject to annual inspection by the City’s zoning administrator, police and fire departments in order to ensure compliance with this Article.
- E. Registration of a caregiver operation under this Chapter does not create or vest any right, title, franchise, or other property interest.

## Sec. 3 - Violation.

- A. The violation of any provision of this Article constitutes a municipal civil infraction as prescribed in Chapter 1.
- B. The violation of Sec. 2(B) - (C) constitutes a nuisance *per se* and is subject to abatement or any other remedy available at law.
- C. Nothing in this Section precludes the City from pursuing any other remedies available at law or equity.

Section 2. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
- B. Nothing in this Ordinance will be construed in such a manner so as to conflict with the Act or any other State law.

Section 3. Repealer.

All ordinances and resolutions or parts of ordinances and resolutions in conflict with this Ordinance are repealed, but only to the extent of any such conflict.

Section 4. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Section 5. Effective Date.

This Ordinance is effective upon its publication in the manner required by law.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

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Gerald Hall  
City of Cedar Springs Mayor

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of the Ordinance to the Code of Ordinances for the City of Cedar Springs adopted by the City Council for the City of Cedar Springs at the time, date and place as specified above, pursuant to the required statutory procedures.

Adopted:  
Published:  
Effective:

Respectfully submitted,

By \_\_\_\_\_  
Rebecca Johnson  
City of Cedar Springs Clerk