

**CITY OF CEDAR SPRINGS
KENT 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 CHAPTER 40, ARTICLE I, SECTION 40-5 ENTITLED “DEFINITIONS – K – M”; CHAPTER 40, ARTICLE III, DIVISION 12, SECTION 40-386 ENTITLED “PERMITTED USES” FOR THE I-1 INDUSTRIAL DISTRICT; CHAPTER 40, ARTICLE IV, DIVISION 2, SECTION 40-461 ENTITLED “HOME OCCUPATIONS”; CHAPTER 40, ARTICLE IV, DIVISION 2, SECTION 40-468 OF THE CODE ENTITLED “MARIHUANA ESTABLISHMENTS AND FACILITIES” OF THE CODE OF ORDINANCES FOR THE CITY OF CEDAR SPRINGS.

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

Section 1. Amendment of Chapter 40, Article I, Section 40-5. Chapter 40, Article I, Section 40-5 of the Code of Ordinances for the City of Cedar Springs entitled “Definitions – K – M” is hereby amended as follows:

- The term “medical marihuana caregiver” is added as follows: *Medical marihuana caregiver* means a “primary caregiver” or “caregiver” as defined in the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended, who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act.
- The term “medical marihuana caregiver operation” is added as follows: *Medical marihuana caregiver operation* means the acquisition, possession, cultivation, manufacture, extraction, possession, delivery, transfer, or transportation of marihuana or marihuana-infused products by a medical marihuana caregiver for the purpose of assisting a medical marihuana qualifying patient’s medical use of marihuana under the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- The term “medical marihuana qualifying patient” is added as follows: *Medical marihuana qualifying patient* means a “qualifying patient” or “patient” as defined in the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended, who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act.

[The remainder of Section 40-5 is unchanged.]

Section 2. Amendment of Chapter 40, Article III, Division 12, Section 40-386. Chapter 40, Article III, Division 12, Section 40-386 of the Code of Ordinances for the City of Cedar Springs entitled “Permitted Uses” for the I-1 Industrial District is hereby amended as follows:

- Subpart “v” is added and reads in its entirety as follows: Marihuana caregiver operations - subject to the following additional requirements:
 - 1) The medical marihuana caregiver operation must only be an accessory use of the property and must not be the principal use of the property.
 - 2) All cultivation, production, or storage of marihuana must take place within the principal building(s).
 - 3) No more than one medical marihuana caregiver operation is permitted on any one property or lot.
 - 4) All cultivation of marihuana must take place inside of an enclosed locked facility as required by the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 et seq.), as amended.
 - 5) A medical marihuana 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 medical marihuana qualifying patient’s medical use of marihuana from exiting the principal building(s). The release of smoke, odor, debris, dust, fluids, and other substances will be measured by the objective standards of a reasonable person with normal sensory sensitivities. Negative air pressure will be maintained inside the principal building(s) containing the marihuana caregiver operation.

[The remainder of Section 40-386 is unchanged]

Section 3. Amendment of Chapter 40, Article IV, Division 2, Section 40-461. Chapter 40, Article IV, Division 2, Section 40-461 of the Code of Ordinances for the City of Cedar Springs entitled “Home Occupations” is hereby amended as follows:

- Subpart (f) is amended to read in its entirety as follows:
 - (f) Medical marihuana caregiver operations being conducted as home occupations must comply with the following additional requirements:
 - (1) Medical marihuana caregiver operations are only permitted inside single-family dwellings. Medical marihuana caregiver operations are not permitted in two-family dwellings or multiple-family dwellings.

- (2) Medical marihuana caregiver operations are not permitted in any accessory structure or accessory building as part of a home occupation.
- (3) The acquisition, possession, cultivation, manufacture, extraction, possession, delivery, transfer, or transportation of marihuana or marihuana-infused products shall not be conducted in such a way as to be visible from a public place
- (4) The single-family dwelling housing the medical marihuana caregiver operation must be the dwelling of medical marihuana caregiver operating the medical marihuana caregiver operation.
- (5) No more than one medical marihuana caregiver operation is permitted on any one property or lot.
- (6) All cultivation of marihuana must take place inside of an enclosed locked facility as required by the Michigan Medical Marihuana Act, IL 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- (7) A medical marihuana 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 medical marihuana qualifying patient's medical use of marihuana from exiting the dwelling unit. The release of smoke, odor, debris, dust, fluids, and other substances will be measured by the objective standards of a reasonable person with normal sensory sensitivities.

[The remainder of Section 40-461 is unchanged]

Section 4. Amendment of Chapter 40, Article IV, Division 2, Section 40-468. Chapter 40, Article IV, Division 2, Section 40-468 of the Code of Ordinances for the City of Cedar Springs entitled "Marihuana Establishments and Facilities" is hereby amended and reads in its entirety as follows:

Sec. 40-468. – Marihuana Establishments, Facilities, and Caregiver Operations.

- (a) Medical marihuana facilities are prohibited within the City of Cedar Springs.
- (b) Recreational marihuana establishments are only permitted within the City of Cedar Springs as a special land use in accordance with Chapter 40, Article III. Regardless of co-location, special land use approval is required for each marihuana establishment. Regardless of zoning approval, City licensing is also required for the operation of a recreational marihuana establishment.

- (c) Medical marihuana caregiver operations are only permitted within the City of Cedar Springs as permitted uses in the I-1 Industrial District in accordance with Chapter 40, Article III or as home occupations in accordance with Chapter 40, Article IV. Regardless of zoning compliance, City registration is also required for the operation of a medical marihuana caregiver operation.

Section 5. Conflict.

- (a) Nothing in this Ordinance is to be construed to conflict with existing City ordinances except as otherwise stated herein.
- (b) Nothing in this Ordinance is to be construed to conflict with the law of the State of Michigan.

Section 6. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 7. 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 any other part or portion of this Ordinance.

Section 8. Effective Date. This Ordinance is effective upon the expiration of seven days after its publication in the manner required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Gerald Hall
Mayor, City of Cedar Springs

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.

Public Hearing:
Adopted:
Published:
Effective:

By:

Rebecca Johnson
Clerk, City of Cedar Sprin

