

**CITY COUNCIL  
CITY OF GRAND HAVEN**

Ottawa County, Michigan

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved the adoption of the following ordinance:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ARTICLE TWO, SECTIONS 40-201.07, 40-201.13, 40-201.16, ARTICLE THREE, SECTION 40-314, OF CHAPTER 40, THE ZONING ORDINANCE OF THE CITY OF GRAND HAVEN

**THE CITY OF GRAND HAVEN ORDAINS:**

Section 1. Amendment. Chapter 40, Article Two, Sections 40-201.07, 40-201.13, 40-201.16 and Article Three, Section 40-314 of the Zoning Ordinance of the City of Grand Haven, is amended to read as follows:

**ARTICLE TWO: DEFINITIONS**

**40-201.07 "G"**

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, but excluding medical marihuana, for subsequent sale, distribution or for personal enjoyment.

**40-201.13 "M"**

Marihuana, also known as Marijuana, also known as Cannabis: The term shall have the meaning given to it in Section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as referred to in section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Medical use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Medical Marihuana Act, PA 2008, initiated Law, MCL 333.26421 *et seq.*

**40-201.16 "P"**

Primary Caregiver: Means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs

**ARTICLE THREE: GENERAL PROVISIONS**

**40-314 HOME OCCUPATIONS**

It is the policy of the City of Grand Haven to encourage entrepreneurship and a reasonable degree of activity within residential areas during normal business hours. Such activity contributes to the vitality of the community and increases safety within neighborhoods. However, excessive commercial activity, such as traffic, odors, deliveries and signage, within a neighborhood may undermine its residential character. The intent of this section is to establish reasonable standards to regulate home occupation activities that are compatible with the residential character of a neighborhood.

- A. Minor-home occupation: A minor-home occupation is a home occupation as defined herein, which would normally not be apparent to neighbors living in the vicinity, such as providing piano lessons to one student at a time. A minor home occupation shall be permitted in any residential district, subject to the following conditions:
- B. Minor-home occupations:
1. Must be registered with the Zoning Administrator. Registration shall be provided on forms developed by the City and may require a fee as determined by the City Council. Such registration shall document that the minor home occupation shall be conducted in accordance with the terms of this section.
  2. Must be conducted entirely within a residential building or within an accessory structure, and must not be evident in any way from the street or from any neighboring premises.
  3. Must not change the character of the building in which it is conducted and must not constitute, create or increase a nuisance.
  4. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her primary residence, where the operator regularly sleeps, eats, entertains and conducts other functions and activities normally associated with home life. Not more than one non-resident may be employed by the home occupation.
  5. Must employ only mechanical equipment which is similar in power and type used for household purposes and hobbies.
  6. Must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the home business shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
  7. Must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.
  8. Must not devote more than twenty-five (25) percent of the principal building and accessory buildings to such home occupation.
  9. Must not require parking spaces in excess two (2) spaces, located in the driveway or on the street directly adjacent to the property.
  10. Must not generate vehicle trips in excess of ten (10) trips per day.
  11. On-site sale of merchandise shall be limited to:
    - a. Items commonly traded or collected or occasionally bought and sold by hobbyists (i.e. antiques, stamps, coins, comics, etc.), but not including automobiles or firearms.
    - b. Crafts and artistic products produced on-site
  12. No more than two (2) customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.
  13. Visits by customers, clients, students or patients to a premises in which a home occupation is located shall be limited to the hours of 7am to 8pm.

14. All Building, Housing, Fire and other local or State codes and ordinances shall be adhered to for home occupations.
15. A minor home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 *et seq* (the "Act") and the requirements of this Chapter. Nothing in this Chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or owners of the properties on which the medical use of marihuana is occurring under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
  - a. Compliance with section 40-314.B.1-15
  - b. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
  - c. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended MCL 333.7410, to insure community compliance with Federal "Drug-Free School Zone" requirements.
  - d. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.
  - e. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
  - f. All medical marihuana shall be grown and contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the City of Grand Haven Department of Public Safety.
  - g. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
  - h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- C. A major-home occupation shall be a home occupation that cannot meet the requirements of this Section. Such major home occupation shall be regulated pursuant to **Section 40-533 Home Occupation, Major** of this ordinance.

Section 2. Effective Date. This Ordinance shall take effect 20 days after its adoption or upon its publication, whichever is later.

YEAS: Councilmember(s) \_\_\_\_\_

---

NAYS: Councilmember(s) \_\_\_\_\_

ABSTAIN: Councilmember(s) \_\_\_\_\_

ABSENT: Councilmember(s) \_\_\_\_\_

CERTIFICATION

I certify that this ordinance was adopted by the City Council of the City of Grand Haven at a regular meeting of the City Council held on \_\_\_\_\_, 2010, and published in *The Grand Haven Tribune*, a newspaper of general circulation in the City of Grand Haven, on \_\_\_\_\_, 2010.

---

Linda Niotis, City Clerk

Introduced: \_\_\_\_\_, 2010

Adopted: \_\_\_\_\_, 2010

Published: \_\_\_\_\_, 2010

Effective: \_\_\_\_\_, 2010