

ORDINANCE NO. _____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE 8 TO ADD SECTION 8.25 TO THE ZONING ORDINANCE, ADDING MEDICAL MARIHUANA FACILITY AND MEDICAL MARIHUANA GROW OPERATION.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Zoning Ordinance, Article 8 is amended to add Section 8.25 as follows:

Section 8.25. Medical Marihuana Facility and Medical Marihuana Grow Operation.

1. Medical Marihuana Facility shall be subject to the following requirements.
 - A. Primary caregivers and/or qualified patients at the facility must be legally registered by the Michigan Department of Community Health (MDCH) to assist qualified patients with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended.
 - B. The facility shall not be allowed within 500 feet of an educational institution, nursery school, or child care center, or another Medical Marihuana Facility or Medical Marihuana Grow Operation.
 - C. The facility shall be available for inspection, during business hours, by the City Manager or the City Manager's designee to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
 - D. The facility shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.
 - E. The facility shall not be permitted to have drive-thru facilities.
 - F. No use of medical marihuana at the facility.
 - G. No patients shall be allowed in facility after hours.
 - H. The parking requirements for a facility shall be consistent with the parking requirements for medical clinics.
 - I. A security plan and floor plan shall be submitted with applications for a facility. The facility shall identify the number of plants, chemical storage, space and other critical

aspects of the layout. The security and floor plan shall be a confidential document by the City exempt from disclosure under the Freedom of Information Act.

J. A waste disposal plan shall be included with all applications for a facility detailing plans for chemical disposal and plans for plant waste disposal.

2. Any Medical Marihuana Grow Operation, in addition to the requirements of subsection 1., shall comply with the following requirements:

A. The grow operation shall be in compliance with Fire Protection Code.

B. The grow operation shall receive OSHA/MIOSHA certifications regarding safety of environment for facility's caregivers.

C. The grow operation shall obtain MDEQ and City of Detroit approval regarding discharge of growing by-products into the city sewer system.

D. The following shall be prohibited:

i. Storage of toxic, flammable or hazardous materials;

ii. Discharge of any toxic, flammable or hazardous materials into city sewer system;

iii. No residential uses within the same building/structure;

iv. No outdoor storage.

v. No minors in the facility without a parent and/or guardian.

E. The grow operation shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m., except staff may be at the operation necessary to attend to the grow operation.

F. The parking requirements for a grow operation in M-1 and M-2 Districts shall be consistent with the parking requirements for manufacturing facilities.

G. A security plan and floor plan shall be submitted with applications for a grow operation shall identify the number of plants, chemical storage, space and other critical aspects of the layout. The security and floor plan shall be a confidential document by the City exempt from disclosure under the Freedom of Information Act.

H. A waste disposal plan shall be included with all applications for a grow operation detailing plans for chemical disposal and plans for plant waste disposal.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective seven (7) days after publication.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2010.

CRAIG COVEY, MAYOR

J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2010.

J. CHERILYNN TALLMAN, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE _____

NOTICE IS GIVEN that the City of Ferndale Council has adopted Ordinance No. _____, an ordinance to amend Article 8, to add Section 8.25 to the Ferndale Zoning Ordinance.

This Ordinance shall become effective seven (7) days after publication. This Ordinance was adopted by the City Council on _____, 2010. A complete copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

J. CHERILYNN TALLMAN, CITY CLERK
(248) 546-2384