

**VILLAGE OF KALKASKA
ORDINANCE 2017-007**

**TITLE: AMENDMENT TO THE ZONING ORDINANCE, MEDICAL MARIHUANA,
TO CLARIFY AND ADD ADDITIONAL USES**

THE VILLAGE OF KALKASKA ORDAINS:

That the Kalkaska Code, Chapter 152, Zoning Code, section 152.45, Medical Marihuana, be deleted in its entirety and replaced in its entirety as follows:

§ 152.45 Medical Marihuana

- A. Definitions. The following words and phrases shall have the following meaning:
- a. Medical Marihuana Facility
A Facility authorized and defined pursuant to Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, which is a:
 - i. Grower
 - ii. Processor
 - iii. Secure Transporter
 - iv. Provisioning Center
 - v. Safety Compliance Facility
 - b. All definitions contained in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, are incorporated here.
 - c. Residential Cultivation is the cultivation of medical marihuana by a patient or caregiver as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.
- B. Grower. A Grower is allowed in the Industrial (I) zoning district if it complies with all of the following:
- a. It has a valid license from both the Village of Kalkaska and the State of Michigan.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or

two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.

- d. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

C. Processor. A Processor is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:

- a. It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- c. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

D. Secure Transporter. A Secure Transporter is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:

- a. It has a valid license from both the Village of Kalkaska and the State of Michigan.
- b. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- c. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

E. Provisioning Center. A Provisioning Center is allowed in the Medical (MD), Commercial (C) and Industrial (I) zoning districts if it complies with the following:

- a. It has a valid license from both the Village of Kalkaska and the State of Michigan.

- b. A Provisioning Center shall not be located within 500 feet of a pre-existing licensed daycare facility, pre-school, elementary school, middle school, or high school which is also located within the Village Limits, unless separated by a public roadway of 3 lanes or more. Measurements for purposes of this section shall be made between the closest property lines.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
 - d. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
 - e. No more than five (5) Provisioning Centers shall be allowed in the Village of Kalkaska at any given time.
- F. Safety Compliance Facility. A Safety Compliance Facility is allowed in the Medical (MD), Commercial (C), and Industrial (I) zoning districts if it complies with the following:
- a. It has a valid license from both the Village of Kalkaska and the State of Michigan.
 - b. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18). Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
 - c. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- G. Residential Cultivation is allowed in any zoning district where residential uses are allowed or exist if it complies with the following:
- a. It has a valid license from both the Village of Kalkaska and the patient or caregiver has proper state registry identification card.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.

- c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission (“FCC”), including but not limited to 47 CFR 15 (FCC Part 15) and 47 CFR 18 (FCC Part 18) . Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Village.
- d. All activities shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

Effective Date: This ordinance shall become effective seven (7) days after its publication in a newspaper of general circulation within the Village.

Ayes: President Sieting; Trustees Dupuie, Ellis, Kelly, Needham, Sanborn and White.

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED.

By: Jeff Sieting, Village President

By: Angie Koon, Clerk

Date: June 12, 2017

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Kalkaska, County of Kalkaska, State of Michigan, at a regular meeting held on June 12, 2017, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on June 22, 2017 in the following newspaper: The Kalkaska Review.

Angie Koon, Clerk