

**CITY OF NEWAYGO
NEWAYGO COUNTY, MICHIGAN
ORDINANCE NO. 17-01**

At a regular meeting of the City Council for the City of Newaygo held at City Hall at 28 State Road in Newaygo, Michigan 49337, on Monday, September 11, 2017, beginning at 7:00 p.m., Councilmember Johnson made a motion to adopt this Ordinance/ordinance amendment, which motion was seconded by Councilmember Fedell:

AN ORDINANCE OF THE CITY OF NEWAYGO TO ADD CHAPTER 52 TO THE CITY OF NEWAYGO CODE REGARDING LICENSING OF MEDICAL MARIHUANA FACILITIES

THE CITY OF NEWAYGO ORDAINS:

The following ordinance provisions are hereby added to the City of Newaygo Code and will constitute a new and additional Chapter 52 entitled “Medical Marihuana Facilities.”

1. Purpose.

This Ordinance is an exercise of the police powers of the City of Newaygo and provides a mechanism for licensing and regulating medical marihuana grower facilities, medical marihuana safety compliance facilities, and medical marihuana processor facilities to the extent permissible under State of Michigan laws and regulations and to protect the public health, safety, and welfare of the residents of the City.

The City finds that the activities described in this Ordinance are connected to and will impact the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

Nothing herein shall be construed to expand or limit the scope of the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. (“MMFLA”) or lessen the prohibition on medical marihuana dispensaries and provisioning centers as defined and set forth in the City’s adopted Zoning Ordinance and Section 51-1 et seq. of the City Code.

2. Interpretation, Conflicts and Definitions.

A. For purposes of this Ordinance, any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“MMMA”) or the MMFLA shall have the definition given in those acts, as amended. If the definition of a word or phrase set forth in this Ordinance conflicts with the definition in the MMMA or MMFLA, or if a term is not defined

(8) “Employee” means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

(9) “License” or “medical marihuana business license” means a license issued for the operation of a medical marihuana establishment pursuant to and in compliance with the terms and conditions of this Ordinance and includes a license which has been renewed pursuant hereto.

(10) “License application” means an application submitted for a license pursuant to the requirements and procedures set forth in this Ordinance.

(11) “Licensee” means a person issued a license for an establishment pursuant to this Ordinance.

(12) “Medical marihuana” means any marihuana intended for medical use that meets all requirements for medical marihuana contained in the MMMA and the MMFLA.

(13) “Medical marihuana establishment(s)” or “establishment(s),” means any facility, establishment and/or center authorized to be licensed under the MMFLA. In the City, the only lawful medical marihuana establishments are a single medical marihuana grower facility, a single medical marihuana processor facility, and a single medical marihuana safety compliance facility, all as further provided for in this Ordinance.

(14) “Medical Marihuana Facilities Licensing Act” or “MMFLA” means Public Act 281 of 2016, MCL 333.27101, et seq.

(15) “Medical marihuana grower facility,” means a commercial entity located in the City that is licensed to operate by the state pursuant to the MMFLA and is licensed by the City pursuant to this Ordinance that cultivates, dries, trims or cures and packages marihuana in accordance with state law.

(16) “Medical marihuana licensing board” means that certain board established by the MMFLA.

(17) “Medical marihuana processor facility” or “processor” means a commercial entity located in this City that is licensed to operate by the state pursuant to the MMFLA and is licensed by the City pursuant to this Ordinance, that extracts resin from the marihuana or creates or manufactures a marihuana-infused product, to the extent permitted by state law.

(18) “Medical marihuana provisioning center,” means a commercial entity licensed to operate by the state pursuant to the MMFLA, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by state law. Medical marihuana

C. A license issued pursuant to this Ordinance shall be for a one year term, subject to renewal periods of one year.

D. Without limitation, a license issued under this Ordinance will be conditioned on the approval of the operator by the state for the particular type of license to be used in the City and compliance with zoning approvals received from the City.

E. Only the following licenses may be issued by the City under this Ordinance:

- (1) One grower license (regardless of the class of license [i.e., A, B or C]);
- (2) One safety compliance facility license; and
- (3) One processor license.

No other type of medical marihuana establishment shall be permitted to be licensed or operated within the City.

4. Licensing Application.

A. A medical marihuana establishment must be licensed by the City. Applications for a license shall be made in writing to the City Clerk. All applications submitted to the City Clerk in accordance with the provisions of this Ordinance shall be considered for the issuance of a license.

B. Each application shall contain a signed acknowledgement that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance, distribution, and use are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license by the City does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations or exposure to any penalties associated therewith; and further that the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may incur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agents of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.

C. A complete application for a license required by this Ordinance shall be made under oath on forms provided by the City, and shall contain, at a minimum, all of the following:

- (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, a copy of a government issued photo identification card of the applicant, and a copy of the applicant's caregiver registry identification card;

(11) Any proposed text or graphical materials to be shown on the exterior of the proposed medical marihuana establishment;

(12) A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewage system is prohibited. All non-liquid waste shall be disposed of at a state-licensed landfill or as otherwise expressly permitted in accordance with regulations promulgated by the state;

(13) A description of procedures for testing of contaminants, including, without limitation, mold and pesticides;

(14) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City; specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the city;

(15) An estimate of the number and type of jobs that the medical marihuana establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the medical marihuana establishment;

(16) The following additional items shall be required as applicable:

(i) A cultivation plan that includes at a minimum a description of the cultivation methods to be used, including plans for the growing mediums, treatments, and / or additives;

(ii) A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by an accredited testing facility will be selected, what type of testing will be requested, and how the test results will be used;

(iii) An affidavit that all operations will be conducted in conformance with state law;

(iv) A chemical and pesticide storage plan that states the names of the pesticides to be used in cultivation and where and how pesticides and chemicals will be stored in the establishment, along with a plan for the disposal of unused pesticides; and

(v) Acknowledgment that all cultivation must be performed within a building in raised beds over an impervious surface.

(17) Proof of an insurance policy covering the establishment and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its

E. Upon receipt of a completed application meeting the requirements of this section and nonrefundable license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the Fire Department, the City Building Official, the Police Department, the Zoning Administrator, and the City Treasurer.

F. No application shall be accepted by the City Clerk unless:

(1) The Fire Department and the Building Official have inspected the proposed location and associated plans for compliance with all laws for which they are charged with enforcement and confirmed compliance with the requirements of this Ordinance and applicable laws;

(2) The Zoning Administrator has confirmed that the proposed location and operation complies with all requirements of the City's adopted zoning ordinance;

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City;

(4) The Police Department has determined that the applicant has met the requirements of this Ordinance with respect to the background check and has approved a security plan consistent with the terms of this Ordinance; and

(5) The application and required other materials are complete.

G. If written approval is given by each individual or department identified in subsection F, above, the City Clerk shall accept a copy of the application for consideration and evaluation.

5. License Application Evaluation.

A. An applicant shall be ineligible to receive a license for any of the reasons set forth in the MMFLA, this Ordinance or due to misrepresentations in the application process.

B. The City Clerk will assess all applications pursuant to the provisions, requirements, and criteria set forth in this Ordinance and shall consult with the Police Department, the Fire Department, the Building Official, the Zoning Administrator, and the City Treasurer. The City Clerk may consult with outside professionals in the business, legal and finance disciplines

C. Following his/her review, the City Clerk will forward to the City Council the complete application including all attachments for the City Council to act upon. The City Council may approve, deny or approve with conditions the issuance of a license.

J. Acceptance of the license by the applicant shall be subject to the licensee's acknowledgment and agreement with the terms of this Ordinance and an acknowledgment and agreement that neither the City nor its officers or employees have any interest, financial or otherwise, in the operations associated with the license and a further agreement to indemnify, hold harmless and defend the City, its officers and employees from any claims predicated on the same. The indemnification obligation set forth herein shall survive any termination of a license granted under this Ordinance.

K. Nothing in this Ordinance is intended to confer a property or other right, duty, privilege or protectable interest of any kind that would entitle an applicant to an administrative hearing upon denial of an application or with regard to any scoring decision.

7. License Renewals.

A. Application for a license renewal required by this Ordinance shall be made in writing to the City Clerk at least 60 days prior to the expiration of an existing license. A license renewal is valid for 1 year.

B. An application for a license renewal required by this Ordinance shall be made under oath on forms provided by the City, and shall contain all of the information required herein.

C. An application shall be accompanied by a nonrefundable renewal fee in an amount established by City Council resolution. The renewal fee is established to defray the costs of the administration of this Ordinance.

D. Upon receipt of a completed application meeting the requirements of this Ordinance and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: the Fire Department, the Building Official, the Police Department, the Zoning Administrator, and the City Treasurer.

E. No renewal application shall be approved unless:

(1) The Fire Department and the Building Official have inspected the proposed location for compliance with all laws for which they are charged with enforcement within the past calendar year;

(2) The Zoning Administrator has confirmed that the proposed location currently complies with the zoning ordinance and this Ordinance;

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the proposed location of the facility are not currently in default to the City;

(4) The Police Department has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the background check and security plan; and

(7) Either:

(i) State or federal law enforcement notifies the City that the City is at risk of losing funds, grants or other monies or being in any way subject to sanctions due to the presence or approval of any medical marihuana facility in the City; or

(ii) If the state or federal government (or any agency or subdivision thereof) threatens or indicates that it will in any way sanction, prosecute or sue the City (or any of its employees, officials, officers, agents, departments, commission or boards) due to the presence or approval of any medical marihuana facility in the City.

C. Appeal of denial of an application or revocation of license: the City Clerk shall notify an applicant of the reason(s) for denial of an application or revocation of a license and provide the applicant with the opportunity to be heard. Any applicant aggrieved by the denial or revocation of a license under this Ordinance may appeal to the City Clerk, who shall appoint a hearing officer. An appeal must be filed with the City Clerk within 15 days after notice of the action complained of has been mailed (by certified mail) to the applicant's last known address on the records of the City Clerk and must be supported by a written statement setting forth the grounds for the appeal. The review on appeal of a denial or revocation shall be limited to whether there has been an abuse of discretion in the decision or that the decision is not supported by material and competent evidence. The hearing officer shall review the appeal and forward a recommendation to the City Council. The final decision on an appeal shall rest with the City Council which shall receive a report and recommendation from the hearing officer and render its determination.

D. Notwithstanding any provision herein, an applicant has no right to the issuance of a license or renewal license and the same may be denied by the City Clerk as deemed in the best interest of the City for reason as given in writing.

10. Penalties for License Violation; Temporary Suspension.

A. The City may require an applicant or licensee of a medical marihuana facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for an application denial or license revocation.

B. Any person in violation of any provision of its license or other nuisance provisions of the City Code shall be subject to licensing penalties, fines and costs. Increased fines may be imposed for a repeat violation. As used in this section "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any 12-month period. Unless otherwise specifically provided in this Ordinance or any other section of the City Code for a civil fine, the penalty schedule is as follows:

- (1) \$500, plus costs, for the first violation;
- (2) \$750, plus costs, for a repeat violation; and
- (3) \$750, plus costs, per day, for any violation that continues for more than one day.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Fedell, Day, Hikade, Johnson, Walerczyk

NAYS: Palmiter, Santana

ABSENT/ABSTAIN: _____

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance/ordinance amendment adopted by the City Council for the City of Newaygo at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By 

Kim Biegalle, CMC

City of Newaygo Clerk

CITY OF NEWAYGO
NEWAYGO COUNTY, MICHIGAN
(Ordinance No. 17-02)

At a regular meeting of the City Council for the City of Newaygo held at City Hall at 28 State Road in Newaygo, Michigan 49337, on Monday, August 14th, 2017, beginning at 7:00 p.m., Councilmember Johnson made a motion to adopt this Ordinance/ordinance amendment, which motion was seconded by Councilmember Day:

**AMENDMENTS TO VARIOUS SECTIONS OF THE
NEWAYGO CITY CODE REGARDING MEDICAL
MARIHUANA AND RELATED MATTERS.**

THE CITY OF NEWAYGO (the "CITY") ORDAINS:

Article 1. The existing definition of "Medical Marihuana dispensary" located in Section 51-1 (Definitions) of the City Code for the City of Newaygo is hereby amended to state as follows:

Medical marihuana dispensary or provisioning center means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- (1) A primary caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (2) A qualifying patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (3) Members of the general public.

A medical marihuana dispensary or provisioning center shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary or provisioning center does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualifying patients (as defined by Michigan Initiated Law 1 of 2008, as amended (being MCL 333.26421 et seq., as amended), so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and is done in full compliance with not only the city zoning ordinance and this Code but also all applicable Michigan and federal laws and regulations.

* * *

The other definitions contained in Section 51-1 of the City Code for the City of Newaygo (including, but not limited to, the existing definitions for the words or phrases Act, marihuana, medical use of marihuana, primary caregiver and qualifying patient) remain unchanged and in full force and effect.

Article 2. Section 51-2 of the City Code for the City of Newaygo is hereby amended to state as follows:

No medical marihuana dispensary, provisioning center or similar retail sales business or store shall be commenced, conducted, maintained, operated or utilized anywhere within the City or on or from any property, land, building or structure within or from the City. Furthermore, no person shall frequent, patronize or obtain or purchase any medical marihuana coming through any medical marihuana dispensary, medical marihuana provisioning center or similar facility within the City.

Article 3. The following new and additional Section 51-10 is hereby added to the City Code for the City of Newaygo to state as follows:

Section 51-10 – EXEMPTION FOR CERTAIN MEDICAL MARIJUANA FACILITIES.

The requirements and regulations contained in Sections 51-3, 51-5 and 51-6 of this Code shall not apply to any lawful medical marijuana grower facility, medical marijuana processor or medical marijuana safety compliance facility approved by the City and which is in compliance

with all applicable City ordinance requirements. However, such exemption shall only apply to the growing, processing and transport of medical marihuana to and from any such facility but not for direct transport or dispensing to any primary caregiver or qualifying patient.

Article 4. The balance of the Newaygo City Code remains unchanged and in full force and effect.

Except as expressly amended by this Ordinance/ordinance amendment, the Newaygo City Code shall remain unchanged and in full force and effect.

Article 5. Severability.

Should any portion of this Ordinance/ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 6. Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Day, Fedell, Johnson, Palmiter, Walerczyk

NAYS: Santana

ABSENT/ABSTAIN: _____

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance/ordinance amendment adopted by the City Council for the City of Newaygo at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By 

Kim Biegalle, CMC
City of Newaygo Clerk

CITY COUNCIL

CITY OF NEWAYGO

Ordinance No. 17-03

At a regular meeting of the City Council for the City of Newaygo held on September 11, 2017, at City Hall, City Council Member Johnson made the motion to adopt the following ordinance, which motion was seconded by City Council Member Fedell :

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.04, CHAPTER 17, SECTION 17.03, AND CHAPTER 21, SECTIONS 21.01 AND 21.04 OF THE CITY OF NEWAYGO ZONING ORDINANCE, AS AMENDED, REGARDING MEDICAL MARIHUANA ESTABLISHMENTS

THE CITY OF NEWAYGO ORDAINS:

Section 1. Amendment of Chapter 2, Section 2.04. That Chapter 2, Section 2.04, Q-1 of the City of Newaygo Zoning Ordinance entitled “Definitions – G through O, Medical Marihuana Dispensary,” is amended to read as follows:

Medical marihuana dispensary or provisioning center means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

- (1) A primary caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (2) A qualifying patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 et seq., as amended).
- (3) Members of the general public.

A medical marihuana dispensary or provisioning center shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary or provisioning center does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualifying patients (as defined by Michigan Initiated Law 1 of 2008, as amended (being MCL 333.26421 et seq., as amended),

- B. Water supply and treatment facilities.
- C. Waste disposal facilities.
- D. Airports and landing fields.
- E. Manufacturing, compounding, processing, packaging, treating, assembly, and bulk storage of:
 - (1) Chemical products, such as plastics, perfumes, synthetics, fibers, drugs, soaps, detergents, paints, enamels, wood chemical, agricultural, and allied chemicals.
 - (2) Rubber manufacturing of reclaiming, such as tires, rubbish, and footwear.
 - (3) Stone clay, glass, cement, brick, pottery, abrasive, tiles, and related products.
 - (4) Fabricated metal manufactured, including engines, electrical equipment, transportation equipment, metal stamping, plating, polishing and buffing, wire products, and structural metals.
- F. Pulp and paper manufacturing.
- G. Junk and salvage yards.
- H. Mining, processing, and transporting of stone, sand, or gravel aggregate.
- I. Sexually-Oriented Businesses.
- J. Lumber and planing mills.
- K. Outdoor storage, display and sale of farm implements and construction equipment.
- L. Production, refining and storage of petroleum or other flammable products.
- M. Outdoor storage yards accessory to any permitted use.
- N. Wireless communication towers.
- O. Child care centers.
- P. Planned unit development (PUD) when all applicable standards of Chapter 18 are met.

- U. Mining, processing, and transporting, of stone, sand, and gravel aggregate.
- V. Mortuaries and funeral homes
- W. Municipal or utility buildings, not requiring outdoor storage, community centers, libraries, museums, and similar uses.
- X. Open air businesses.
- Y. Outdoor seating/service areas for permitted restaurants.
- Z. Outdoor storage yards accessory to any permitted use.
- AA. Outdoor storage, display and sale of farm implements and construction equipment.
- BB. Par 3 golf, miniature golf, and driving ranges
- CC. Parking lots, including municipal and private facilities not directly on site associated with a principal use.
- DD. Private non-commercial recreation
- EE. Raising of fur bearing animals and game birds
- FF. Recreational camps and campgrounds
- GG. Residential uses
- HH. Riding and breeding stables
- II. Schools, excluding commercial schools
- JJ. Sexually-oriented businesses
- KK. Sales lots and showrooms for new and used motor vehicles, boats, trailers, manufactured home and similar uses
- LL. State licensed residential facilities (Group and Centers)
- MM. Waste disposal facilities
- NN. Wireless communication towers.
- OO. Medical marihuana establishments

Section 5. Amendment of Chapter 21, Section 21.04. That Chapter 21, Section 21.04, of the City of Newaygo Zoning Ordinance entitled “Special Land Uses; Design Standards” is amended to add subsection “OO” to read as follows:

Section 21.04 Design Standards

Those uses specified in Section 21.01 as permitted by Special Land Use Approval in accordance with this Ordinance, shall be subject to the requirements of that District in which such use is located in addition to all applicable conditions, standards, and regulations regarding site design and development as are cited in the following:

* * *

OO. Medical Marihuana Establishments

- (1) General requirements.
 - (a) All such buildings shall be located at least 500 feet from any dwelling.

approval by lawful governmental authorities at all times to ensure compliance with the state and City laws;

(iv) There shall be no other accessory uses permitted within the facility other than those associated with growing or cultivating medical marihuana;

(v) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed;

(vi) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests;

(vii) Any buildings, fixtures and other facilities shall be maintained in a clean and sanitary condition;

(viii) Medical marihuana grower facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind; and

(b) Exterior signage or advertising identifying the facility as a medical marihuana grower facility shall be prohibited.

(3) Minimum Operational Standards for a Medical Marihuana Safety Compliance Facility.

(a) The following minimum standards for a safety compliance facility shall apply:

(i) The premises shall be open for inspection by the City during the stated hours of operation and as such other times as anyone is present on the premises;

(ii) Any safety compliance facility shall maintain a log book and/or database identifying by date the amount of medical marihuana on the premises and from which particular source;

(iii) There shall be no other accessory uses permitted within the facility other than those associated with testing medical marihuana;

(iv) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed;

(b) Exterior signage or advertising identifying the facility as a medical marihuana processor facility shall be prohibited.

Section 6. Severability. Should any part, clause or portion of this ordinance/ordinance amendment ever be declared to be invalid by a court of competent jurisdiction, that shall not affect any other part, clause or portion of this ordinance/ordinance amendment which shall remain in full force and effect.

Section 7. Effective Date. This ordinance shall become effective upon the expiration of (7) seven days after this ordinance or a summary thereof is published as provided by law.

The vote to adopt this ordinance/ordinance amendment was as follows:

AYES: Day, Fedell, Hikade, Johnson, Walerczyk

NAYS: Palmiter, Santana

ABSENT/ABSTAIN: _____

ORDINANCE NO. 17-03 ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance regarding the City of Newaygo Zoning Ordinance, as amended, adopted by the City Council for the City of Newaygo at the time, date and place specified above pursuant to the required statutory provisions.

Respectfully submitted by:



Kim Biegalle
Newaygo City Clerk