



City of Ypsilanti
Notice of Adopted Ordinance
Ordinance No. 1354

An Ordinance Entitled "Michigan Regulation and Taxation of Marihuana Act Zoning Update"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That Section 122-203 be amended as follows:

Designated consumption establishment. A facility licensed and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

Excess marihuana grower. A facility holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana secure transporter. A facility licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishment as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

Recreational Marihuana Growing and/or Processing Facility. A facility for the cultivation and/or processing of recreational marihuana into a usable form and "grower" or "processor" as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

Recreational Marihuana Microbusiness. A facility licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

Recreational Marihuana Retailer. A facility that sells, supplies, or provides recreational marihuana to individuals directly; and as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018

Recreational Marihuana Safety Compliance Facilities. A facility to test marihuana, including certification for potency and the presence of contaminant as defined by the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018.

School. School is defined as any building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through

12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

That Section 122-446 (C) be amended as follows:

Recreational Marihuana Retailer (permitted)
Recreational Marihuana Microbusiness (special use)
Designated Consumption Establishment (special use)

That Section 122-451(NC, GC, HC) be amended as follows:

Recreational Marihuana Retailer (special use in GC)
Recreational Marihuana Growing and/or Processing Facility (special use in GC)
Recreational Marihuana Microbusiness (special use in GC)
Marihuana secure transporter license (special use in GC)
Designated consumption establishment license (special use in GC)

That Section 122-461 (HHS) be amended as follows:

Recreational Marihuana Safety Compliance Facilities. (special use)

That Section 122-431 (PMD) be amended as follows:

Recreational Marihuana Growing and/or Processing Facility (special use)
Excess marihuana grower (special use)
Marihuana secure transporter license. (special use)
Recreational Marihuana Safety Compliance Facilities. (special use)
Recreational Marihuana Microbusiness (special use)

That Section 122-522 be added as follows:

Designated consumption establishment.

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.

- b) The following standards for Recreational Marihuana Designated Consumption Establishment apply:
1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 2. The site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the designated consumption establishment license and to the outermost boundaries of the lot or parcel on which the school is located;
 3. The Recreational Marihuana Designated Consumption Establishment site shall not be located within five hundred (500) feet of a lawfully existing Recreational Marihuana Designated Consumption Establishment as measured from the outermost boundaries of the lot or parcel on which the proposed Recreational Marihuana Designated Consumption Establishment and to the outermost boundaries of the lot or parcel on which the lawfully existing Recreational Marihuana Designated Consumption Establishment marihuana facility is located;
 4. All activity related to the Designated consumption establishment license shall be done indoors;
 5. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 6. If the designated consumption establishment license ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
 7. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein,
 8. All designated consumption establishment license must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
 9. The dispensing of recreational marihuana shall be prohibited.

That Section 122-525 be added as follows:

Excess Marihuana Grower

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.

b) The following standards for Excess Marihuana Grower apply:

1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
2. The excess marihuana grower site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the excess marihuana grower facility and to the outermost boundaries of the lot or parcel on which the school is located;
3. Use of marihuana is prohibited on the premises unless otherwise noted;
4. All activity related to the excess marihuana grower facility shall be done indoors;
5. The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
6. If the excess marihuana grower facility ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
7. Drive-through and walk-up or similar facilities shall be prohibited;
8. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein
9. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
10. All excess marihuana grower facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
11. The dispensing of recreational marihuana shall be prohibited.
12. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

That Section 122-538 be added as follows:

Marihuana secure transporter.

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.
- b) The following standards for Recreational Marihuana Secure Transporter Facility apply:
 1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 2. The site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the Secure Transporter Facility and to the outermost boundaries of the lot or parcel on which the school is located;
 3. The Recreational Marihuana Secure Transporter Facility site shall not be located within five hundred (500) feet of a lawfully existing Marihuana Secure Transporter Facility as measured from the outermost boundaries of the lot or parcel on which the proposed Marihuana Secure Transporter Facility and to the outermost boundaries of the lot or parcel on which the lawfully existing Marihuana Secure Transporter Facility is located;
 4. Use of marihuana is prohibited on the premises unless otherwise noted;
 5. All activity related to the Secure Transporter Facility shall be done indoors;
 6. The premises shall be open for inspection upon request by the Building Official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 7. If the Recreational Marihuana Secure Transporter Facility ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
 8. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein,

9. All Recreational Marihuana Secure Transporter Facility must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
10. The dispensing of recreational marihuana shall be prohibited.
11. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

That Section 122-548 be added as follows:

Recreational Marihuana Cultivation and/or Processing Facilities.

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.
- b) The following standards for recreational Marihuana Cultivation and/or Processing Facilities apply:
 1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 2. The growing and/or processing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the growing and/or processing facility and to the outermost boundaries of the lot or parcel on which the school is located;
 3. The growing and/or processing facility site shall not be located within five hundred (500) feet of a lawfully existing marihuana facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing and/or processing facility and to the outermost boundaries of the lot or parcel on which the lawfully existing marihuana facility is located. This requirement is waived in PMD zoning districts when buffering from marihuana facility types other than marihuana growing and/or processing facilities;
 4. Use of marihuana is prohibited on the premises unless otherwise noted;
 5. All activity related to the growing and/or processing facility shall be done indoors;
 6. The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable

laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

7. If the growing and/or processing facility ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
8. Drive-through and walk-up or similar facilities shall be prohibited;
9. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein
10. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
11. All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
12. The dispensing of recreational marihuana shall be prohibited.
13. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

That Section 122-549 be added as follows:

Recreational Marihuana Microbusiness

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.
- b) The following standards for Recreational Marihuana Microbusiness apply:
 1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 2. The site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the

growing and/or processing facility and to the outermost boundaries of the lot or parcel on which the school is located;

3. The Recreational Marihuana Microbusiness facility site shall not be located within one thousand (1,000) feet of a lawfully existing recreational marihuana microbusiness, and five hundred (500) feet from other types of marihuana facilities as measured from the outermost boundaries of the lot or parcel on which the proposed recreational marihuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing marihuana facility is located;
4. Use of marihuana is prohibited on the premises unless otherwise noted;
5. All activity related to the safety and compliance shall be done indoors;
6. The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
7. If the Recreational Marihuana Microbusiness ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
8. Drive-through and walk-up or similar facilities shall be prohibited
9. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein administrative rules or regulations contained or adopted under the authority therein;
10. That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
11. All Recreational Marihuana Microbusiness facility must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
12. Growing, cultivation, processing, testing and sales of recreational marihuana in the microbusiness is allowed so long as it's done within the facility and has a maximum of 150 plants as allowed by the MRTMA and the MRA with LARA.
13. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

That Section 122-550 be added as follows:

Recreational Marihuana Retailers.

(a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.

(b) The following standards for Recreational Marihuana Retailers apply:

- (1) The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
- (2) The recreational marihuana retailer shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the provisioning center is located to the outermost boundaries of the lot or parcel on which the school is located;
- (3) The recreational marihuana retailer shall not be located within five hundred (500) feet of a lawfully existing recreational marihuana retailer as measured from the outermost boundaries of the lot or parcel on which the proposed recreational marihuana retailer and to the outermost boundaries of the lot or parcel on which the lawfully existing recreational marihuana retailer is located;
- (4) Use of recreational marihuana is prohibited on the premises;
- (5) All activity related to the recreational marihuana retailer shall be done indoors;
- (6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- (7) Drive-through and walk-up or similar facilities shall be prohibited;
- (8) All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the

MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;

- (9) All recreational marihuana retailers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
- (10) Growing, cultivation, or processing of recreational marihuana in a recreational marihuana retailer is prohibited

That Section 122-551 be added as follows:

Recreational Marihuana Safety Compliance Facilities

- a) Generally. 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 the State of Michigan laws and rules. Also, since Federal law is not affected by the 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.
- b) The following standards for Recreational Marihuana Safety Compliance Facilities apply:
 - 1. The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - 2. The site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the recreational marihuana safety compliance facility and to the outermost boundaries of the lot or parcel on which the school is located;
 - 3. The Recreational Marihuana Safety Compliance facility site shall not be located within five hundred (500) feet of a lawfully existing Recreational Marihuana Safety Compliance facility as measured from the outermost boundaries of the lot or parcel on which the proposed Recreational Marihuana Safety Compliance facility and to the outermost boundaries of the lot or parcel on which the lawfully existing Recreational Marihuana Safety Compliance facility is located;
 - 4. Use of marihuana is prohibited on the premises unless otherwise noted;
 - 5. All activity related to the recreational marihuana safety compliance facility shall be done indoors;
 - 6. The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.

7. If the Recreational Marihuana Safety Compliance facility ceases operation for a length of time of one-hundred-twenty (120) days or greater, any Special Use permit shall expire;
8. All recreational marihuana shall be contained within the main building in an enclosed, locked facility in accordance with the General Rules of the Michigan Department of Community Health, the MRTMA as well as any and all administrative rules or regulations contained or adopted under the authority therein administrative rules or regulations contained or adopted under the authority therein;
9. That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
10. All Recreational Marihuana Safety Compliance facility must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 8 of the City Code of Ordinances;
11. The dispensing of recreational marihuana shall be prohibited.
12. There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.

To further amend Article V, Use Restrictions, Division 1: Specific Standards for Certain Uses, to ensure that the newly created sections are located in alphabetical order; sections in said Division are re-numbered, and that references to those sections are updated throughout the Chapter.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 21st DAY OF January, 2020.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1354 was published in the Washtenaw Legal News on the 30th day of January, 2020.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 21st day of January, 2020.

Andrew Hellenga, City Clerk

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Second Reading: January 21, 2020

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