

CITY OF MARSHALL, MICHIGAN

Ordinance No. 2020-_____

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-06 TO PERMIT THE OUTDOOR CULTIVATION OF MARIHUANA IN COMMERCIAL GREENHOUSES AND HOOP HOUSES CONSISTENT WITH THIS ORDINANCE, STATE LAW AND REGULATION; TO AMEND SECTIONS “DEFINITIONS”, “LOCATION AND ELIGIBILITY”, AND “MARIHUANA CULTIVATION”; TO AMEND ANY SECTIONS INCONSISTENT WITH ORDINANCE NO. 2019-06; AND TO ESTABLISH AN EFFECTIVE DATE AS PROVIDED BY LAW.

The City of Marshall, Michigan Ordains:

That Ordinance 2019-06 and the Code of Ordinances of the City of Marshall, Title XI Business Regulations, Chapter 121, Commercial Marihuana, as amended, to read as follows:

§ DEFINITIONS.

Section “DEFINITIONS” is hereby amended to add following words, terms and phrases in Ordinance No. 2019-06, and shall have the meanings ascribed to them, except where the context clearly indicates otherwise:

COMMERCIAL GREENHOUSE. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

HOOP HOUSE. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

§ LOCATION AND ELIGIBILITY.

Section “LOCATION AND ELIGIBILITY” is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

(D) Marihuana Establishment licenses permitted under this Ordinance are governed by type and location requirements, as follows:

(1) Marihuana Grower License:

b. All grower establishments and operations must be within an enclosed, secured structure, **and cultivation of marihuana may occur in an outdoor area confined to a “commercial greenhouse” or “hoop house” that must meet all the following conditions:**

- i. **Comply with applicable state law, rules and regulations, and City ordinances and City Zoning Ordinance.**
- ii. **Cultivation of marihuana in a commercial greenhouse or hoop house is only permitted and subject to a Special Land Use for special conditions (special land uses) in the identified Industrial District subject to the provisions of the City’s Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the Special Land Use permit, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the permit holder and hearing.**
- iii. **Cultivation of marihuana in a commercial greenhouse or hoop house must be concealed from public view and must be completely confined and enclosed in a commercial greenhouse or hoop house made of durable translucent material on all sides and top of a hoop house, or glass, glass-like or translucent material on all sides and top of a commercial greenhouse. Hoop houses and commercial greenhouses may not exceed 18 feet maximum height.**
- iv. **Commercial greenhouses and hoop houses must be located on the parcel of the licensed grower facility/establishment, fully enclosed by security fencing and barriers that block outside visibility of the commercial greenhouse, hoop house, and marihuana plants from the public view to accomplish complete screening from the road right-of-way and adjacent property. No marihuana plants may grow outside the top of the commercial greenhouse or hoop house and must not be visible above the fence and barrier that is visible to public view.**

Fencing must comply with the applicable security measures and fencing requirements under city ordinance and LARA/MRA rules, including but not limited to, locked entries only accessible to authorized persons or emergency personnel. Security fencing must be at a minimum of eight (8) feet in height.

- v. **After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.**
- vi. **Greenhouses and hoop houses must meet the security requirements and pass the inspections in this ordinance and LARA/MRA rules and any required building and electrical permit pursuant to City ordinance, state statute and LARA/MRA rules.**
- vii. **Commercial greenhouses and hoop houses shall meet setback requirements of the City's Zoning Ordinance.**
- viii. **Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.**

- i. All buildings, **commercial greenhouses, hoop houses**, and structures shall be subject to inspection at any time by the City Fire Department to insure compliance with all applicable statutes, codes and ordinances.

§ MARIHUANA CULTIVATION.

Section "MARIHUANA CULTIVATION" is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

- (A) Cultivation, generally.

- (1) Marihuana cultivation shall be conducted consistent with this Ordinance, the MRTMA, including but not limited to MCL 333.27961, and any LARA rules, within an enclosed, secured structure, **and as permitted in a commercial greenhouse or hoop house under city ordinances and Special Land Use permit;** and

§ **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) marihuana establishments pursuant to Initiated Law 1 of 2018, as amended.

§ **EFFECTIVE DATE.**

This Ordinance shall become on 30 days after publication and recording as required by law.

This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Adopted and signed this _____ day of _____, 2020.

Joe Caron, Mayor

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on _____, and 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 by said Act.

Trisha Nelson, City Clerk