

**VILLAGE OF MIDDLEVILLE**  
**COUNTY OF BARRY, MICHIGAN**

Minutes of a regular meeting of the Village Council of the Village of Middleville, County of Barry, Michigan, held in the Village Hall, 100 East Main Street, Middleville, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2021, at 7:00 p.m., Local Time.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

It was moved by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF MIDDLEVILLE BY THE AMENDMENT OF CHAPTER 78 – THE ZONING ORDINANCE – TO AUTHORIZE AND REGULATE MARIHUANA BUSINESSES AS SPECIAL LAND USES AND MATTERS RELATED THERETO**

THE VILLAGE OF MIDDLEVILLE ORDAINS:

Section 1. Recission of Section 78-49. Section 78-49 of the Code of Ordinances (“Code”) of the Village of Middleville (“Village”) prohibiting all Marihuana facilities and establishments is hereby vacated.

Section 2. Amendment of Land Use Table. Section 78-83 of the Code – the Land Use Table - is hereby amended by the addition of the following uses to be inserted in the appropriate alphabetical order:

- “Recreational Marihuana Grower (Class A-C)” shall be added as a Special Land Use in the I-1 and I-2 zoning districts.
- “Recreational Marihuana Processor” shall be added as a Special Land Use in the C-2, I-1 and I-2 zoning districts.
- “Recreational Marihuana Secure Transporter” shall be added as a Special Land Use in the C-2, I-1 and I-2 zoning districts.

- “Recreational Marihuana Safety Compliance Facility” shall be added as a Special Land Use in the C-2, I-1 and I-2 zoning districts.
- “Recreational Marihuana Retailer” shall be added as a Special Land Use in the C-2 zoning district.
- “Recreational Marihuana Microbusiness” shall be added as a Special Land Use in the C-2 zoning district.
- Medical Marihuana Provisioning Center” shall be added as a Special Land Use in the C-2 zoning district.

Section 3. Amendment to Section 78-323 – Special Land Uses in the C-2 District.

Section 78-323 of the Code is hereby amended to read in its entirety as follows:

**Sec. 78-323. – Uses permitted by special use.**

The following uses may be allowed as special uses in the C-2 highway commercial district.

- (1) Adult businesses.
- (2) Day care center.
- (3) Drive-in facility.
- (4) Gas station.
- (5) Massage parlor.
- (6) Medical Marihuana Provisioning Center.
- (7) Mixed use.
- (8) Motor vehicle repair, major.
- (9) Nursing home.
- (10) Private wind energy facility.
- (11) Recreation establishment, indoor
- (12) Recreation establishment, outdoor.
- (13) Recreational Marihuana Microbusiness.
- (14) Recreational Marihuana Processor.
- (15) Recreational Marihuana Retailer.
- (16) Recreational Marihuana Safety Compliance Facility.
- (17) Recreational Marihuana Secure Transporter.
- (18) Self-storage facility.

- (19) Tattoo parlor.
- (20) Single-family dwellings, if approved as part of a mixed use.

Section 4. Amendment to Section 78-353 – Special Land Uses in the I-1 District.

Section 78-353 of the Code is hereby amended to read in its entirety as follows:

**Sec. 78-353. – Uses permitted by special use.**

The following uses may be allowed as special uses in the I-1 light industrial district:

- (1) Motor Vehicle repair, major.
- (2) Private wind energy facility.
- (3) Recreation establishment, indoor.
- (4) Recreational Marihuana Grower (Class A-C)
- (5) Recreational Marihuana Processor
- (6) Recreational Marihuana Safety Compliance Facility
- (7) Recreational Marihuana Secure Transporter

Section 5. Amendment to Section 78-383 – Special Land Uses in the I-2 District.

Section 78-383 of the Code is hereby amended to read in its entirety as follows:

**Sec. 78-383. – Special uses.**

Special uses in the I-2 heavy industrial district shall be:

- (1) Dry cleaning plant.
- (2) Junk yard.
- (3) Manufacturing Facility, heavy.
- (4) Motor vehicle repair, major.
- (5) Private wind energy facility.
- (6) Recreation establishment, indoor.
- (7) Recreational Marihuana Grower (Class A-C).
- (8) Recreational Marihuana Processor.
- (9) Recreational Marihuana Safety Compliance Facility.
- (10) Recreational Marihuana Secure Transporter.

(11) Slaughterhouse.

Section 6.     Amendment to Special Land Use Standards. Article IV of Chapter 78 of the Code

is hereby amended by the addition of a new Section 78-566 to read in its entirety as follows:

**Sec. 78-566. – Marihuana Businesses.**

Marihuana Businesses are special land uses subject to the following requirements:

- (a) No Marihuana Business shall be located within one thousand (1,000) feet of any lot on which is located a church, center of worship, religious institution, or public or private elementary or secondary school or licensed day care facility. For purposes of this Section, the 1,000 feet shall be calculated by measuring a straight line from the closest point on the real property line of each of the two lots, parcels, or units.
- (b) No Marihuana Business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marihuana or marihuana products unless the process used and the premises is verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
- (c) Marihuana Businesses shall install and use a safe for both storage of any processed marihuana product as well as cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the Village in place of the use of a safe so long as the container is affixed to the building structure.
- (d) A drive-through window or similar service on the premises of any Marihuana Business shall not be permitted.
- (e) No person shall be permitted to reside or permit another person to reside in or on the premises of a Marihuana Business.
- (f) Buildings shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- (g) Disposal of marihuana product by on-site burning or by introduction into the sewer system shall not be permitted.
- (h) No Marihuana Business shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Business is operated.

- (i) A Marihuana Business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the Marihuana Business or at any adjoining use or property.
- (j) Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between any Marihuana Business and any adjacent business or use located in the same building.
- (k) The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system:
  - (1) The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM;
  - (2) The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufactures' recommendation to ensure optimal performance;
  - (3) Negative air pressure must be maintained inside the building;
  - (4) An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- (l) Marihuana Businesses may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
- (m) Any hazardous materials and the proposed quantities of such materials that will be stored and utilized on the site (including carbon dioxide, pesticides, etc.) shall be disclosed to and approved by the Village in advance.
- (n) Marihuana Businesses must have a litter control plan in place to address litter on the property.
- (o) Marihuana Businesses must have a written plan in place addressing loitering and sales to minors.

- (p) Marihuana Businesses must provide training to employees on crime prevention and awareness.

Section 7.     Amendment to Site Plan Review Standards. Article V of Chapter 78 of the Code

is hereby amended by the addition of a new Section 78-592 to read in its entirety as follows:

**Sec. 78-592. – Site Plan Review for Marihuana Businesses.**

Except as otherwise provided in this chapter, the procedure for application for review and approval of Marihuana Businesses shall be made pursuant to the provisions of Sections 78-581 – 78-592. The site plan submitted for a Marihuana Business shall be consistent with Sections 78-583 and 78-584 and shall contain the additional following information:

- (a) A facility operation plan which shall contain, at a minimum, the following:
  - (1) For growers, microbusinesses and processing facilities, the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the Village.
  - (2) A lighting plan indicating the lighting outside of the Marihuana Business for security purposes and compliance with applicable Village requirements does not create any nuisance or lighting pollution, as determined by the Site Plan Committee, Planning Commission or Zoning Administrator or their designees.
  - (3) A plan for disposal of any marihuana or marihuana-infused product that is not sold to a patient, primary caregiver or adult user in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
  - (4) For Marihuana Businesses that grow marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how the system operates and prevents any odors leaving the premises. For marihuana businesses that produce marihuana-infused products, the plan shall include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
  - (5) For growers and processors, an electrical plan for load review to Consumers Energy.
- (b) If any modifications to a structure will be made requiring a building permit, or which would alter or change items required by this chapter, detailed construction drawings showing at minimum, a full site plan, interior and

exterior lighting requirements, the full mechanical heating and ventilation plan, a detailed security plan, before and after floor plans and specifications, non-rated and rated separation details and locations, accessible route from the public way to the accessible entrance, accessible route to the primary function and within the facility and accessible bathrooms. The licensee shall make application for a Plan Review and a Building Permit for the modifications of the premises, on forms provided by the Village. Other specifications may be required.

- (c) A stamped or sealed 24” by 36” drawing of the proposed licensed premises showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones, all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible, and all areas in which marihuana will be stored, grown, manufactured or dispensed.
- (d) A security plan which shall include a description of the plan for the Marihuana Business including, but not limited to, any lighting alarms, barriers, recording/monitoring devices and/or security guard arrangements proposed for the business and premises. The security plan must contain the specification details of each piece of security equipment; details of security arrangements and will be protected from disclosure as provided under the Michigan Freedom of Information Act, MCL 15.231 et seq.
- (e) Any proposed text or graphical materials to be shown on the exterior of the proposed Marihuana Business.
- (f) A location area map of the marihuana business and surrounding area that identifies the relative locations and distances to any school or place of worship as measured in a straight line from the closest point of the real property line.

Section 8.     Amendment to Definitions. Section 78-878 of the Code is hereby amended by the

addition of the following defined term to be inserted in the appropriate location alphabetically:

*Marihuana Business* means a medical marihuana facility licensed under the Michigan Medical Marihuana Facilities Licensing Act, Act 281 of the Public Acts of Michigan of 2016, as amended, or a recreational marihuana establishment licensed under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended which has been authorized to operate within the Village under Chapter 18 of the Village Code of Ordinances. The term Marihuana Business includes recreational marihuana growers (Class A-C); recreational marihuana processors; recreational marihuana secure transporters; recreational marihuana safety compliance facilities; recreational marihuana microbusinesses; recreational marihuana retailers; and medical marihuana provisioning centers.

Section 9. Publication/Effective Date. This ordinance shall become effective seven days after its publication or seven days after publication of a summary of its provisions in a local newspaper of general circulation in the Village.

Passed and adopted by the Village Council of the Village of Middleville on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Amanda Fisk, President  
Village of Middleville

\_\_\_\_\_  
Glorimar Ayala, Clerk  
Village of Middleville

#### **CERTIFICATION OF VILLAGE CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Middleville, County of Barry, State of Michigan, at a regular meeting held on \_\_\_\_\_2021, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and Village Clerk.

\_\_\_\_\_  
Glorimar Ayala, Clerk

#### **CERTIFICATE OF PUBLICATION**

I hereby certify that a summary of Ordinance No. \_\_\_\_\_, adopted by the Village Council of the Village of Middleville, was published in the *Sun & News* on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Glorimar Ayala, Clerk