

**CITY OF ITHACA, MICHIGAN  
ORDINANCE NO. 2019-01**

**AN ORDINANCE  
AMENDING THE ITHACA ZONING CODE  
BY AMENDING CHAPTER 40, ARTICLES 2 & 4**

**THE PEOPLE OF THE CITY OF ITHACA, MICHIGAN DO ORDAIN:**

**SECTION 1.** Chapter 40: “Zoning”, Article 2, “Definitions”, Section 2.02, “Specific Terms” of the Code of Ordinances of the City of Ithaca is hereby amended to add marihuana establishments and facilities to the *Home Occupations* definition, and to add the definitions for the various recreational and medical marihuana acts, and shall read as follows:

**ARTICLE 2. DEFINITIONS**

**Sec. 2.02. Specific Terms.**

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

...

*Home Occupation* means any use customarily conducted entirely within the residential dwelling and carried on by the inhabitants thereof, not involving employees other than member of the immediate family that reside on the premises. The following enterprises shall not be considered home occupations: Medical clinics, hospitals, barber shops, nurseries, day care centers, beauty parlors, tea rooms, veterinary clinics and offices, animal hospitals, kennels, tourist homes, bed and breakfast operations, insurance and real estate offices, millinery shops, marihuana establishments and facilities (as authorized by and defined in the *MRTMA*, the *MMFLA* and the *MMMA*), and other similar enterprises.

...

*IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.

*Marihuana establishment* means that term as defined in the *MRTMA*.

*Marihuana facility* means that term as defined in the *MMFLA*.

*MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

*MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.

*MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

**SECTION 2.** Chapter 40: “Zoning”, Article 4, “General Provisions” of the Code of Ordinances of the City of Ithaca is hereby amended to add Section 4.34 “*Marihuana Establishments and Facilities*” and shall read as follows:

**ARTICLE 4. GENERAL PROVISIONS**

The following general provisions establish miscellaneous regulations that have not been specifically provided for in other portions of this ordinance, yet they are applicable to all zoning districts unless otherwise indicated.

. . .

**Sec. 4.34. Prohibition of Marihuana Establishments and Facilities.**

(a) Marihuana establishments, as authorized by and defined in the *MRTMA*, the *MMFLA* and the *MMMA* (the Acts”) are prohibited in all zoning districts and shall not be permitted as home occupations as defined in Section 2.02 of this Chapter.

(b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Acts, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.

(c) Violations of this section are subject to the violations and penalties pursuant to Section 33.05 of this Chapter and may be abated as nuisances pursuant to Section 33.05:2.

(d) Except as specifically provided in Section 4.34 above, this article does not supersede the rights, privileges or obligations of any individual or other person preserved under the *MRTMA*.

(e) This article does not supersede the rights, privileges or obligations with respect to the transportation of marihuana through the City to the extent provided by the Acts.

(f) This article does not supersede the rights, privileges or obligations under Michigan law with respect to the establishment and licensing of medical marihuana facilities under the *MMMA*, the *MMFLA* or any other federal or State of Michigan law, rule or regulation allowing for or regulating marihuana for medical use.

(g) This article does not affect the rights, privileges or obligations of any individual or other person under the *IHRA*.

**SECTION 3. Severability.** In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

**SECTION 4. Conflict and Repeal.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**SECTION 5. Effective Date.** In accordance with Chapter V of the City of Ithaca Charter, the adoption of this ordinance is hereby declared an emergency effecting the public peace, health,

safety and welfare and this ordinance shall, therefore, be effective immediately upon its adoption.

**SECTION 6. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

**ORDINANCE DECLARED ADOPTED THIS 19<sup>th</sup> DAY OF FEBRUARY 2019.**

Ayes:   
Nays:   
Absent:   
Abstain:

Planning Comm. Hearing:	02/12/2019
Planning Comm. Recommend.:	02/12/2019
CC Introduced:	02/19/2019
CC Adopted:	02/19/2019
Effective (Emergency):	02/19/2019
Published:	02/27/2019

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Barbara Fandell, Clerk-Treasurer

I, the undersigned duly-appointed City Clerk of the City of Ithaca, Gratiot County, Michigan, do hereby certify that the above is a true copy of an Ordinance adopted by the City of Ithaca City Council at the date above specified pursuant to the required statutory and City Charter procedures and that such ordinance was entered into the Ordinance Book of the City subsequent to its adoption.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Barbara Fandell, Clerk-Treasurer