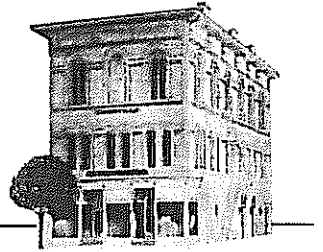




# VILLAGE OF JONESVILLE

265 E. CHICAGO ST.  
JONESVILLE, MI 49250  
www.jonesville.org

(517) 849-2104  
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**Village of Jonesville  
PLANNING COMMISSION AGENDA  
February 12, 2014  
7:00 P.M. Village Hall**

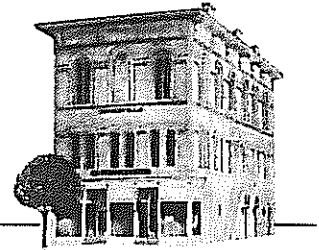
- A. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- B. PUBLIC COMMENT
- C. APPROVAL OF AGENDA – **February 12, 2014**
- D. APPROVAL OF MINUTES – **January 8, 2014**
- E. PUBLIC HEARING & SUBSEQUENT ACTION
- F. NEW BUSINESS
- G. ONGOING BUSINESS
  - 1. **Medical Marihuana [Discussion Item]**
- H. ADJOURNMENT



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To: Jonesville Planning Commission  
From: Tim McLean, Assistant to the Manager *T.M.*  
Date: February 7, 2014  
Re: Assistant to the Manager's Report for February 12, 2014

## G.1 Medical Marihuana

From the January meeting, the Planning Commission requested additional information from neighboring communities. Additional information was sought from the communities of Coldwater, Chelsea, Dexter, Tecumseh, and Sheridan. Based on research of existing ordinances and from discussions with various communities, there are essentially four tiers to approach regulation of medical marihuana that can be pursued by the Planning Commission. At this time, it is my recommendation that the Planning Commission review each of these tiers and identify one or two tiers that they feel would be the best fit for the Village of Jonesville. Once this is done, staff will be able to develop some language and recommendations in moving forward with the issue of medical marihuana.

- Macon Township: adopted an ordinance that was drafted by Region 2 Planning Commission (ordinance language provided to the Village of Jonesville by the municipal attorney). Neighboring Somerset Township recently adopted similar language. This prohibits medical marihuana caregivers from operating out of their homes. Caregivers would be restricted to operating only within an industrial zoned area.
- The Village of Sheridan passed an ordinance in 2012 that allows medical marihuana caregivers to operate as a home occupation. Sheridan opted to comply with Drug Free School Zones and forbid any caregivers to operate within 1,000 feet of schools and public libraries. Additional language allows only 1 caregiver per 1,000 residents in the Village of Sheridan. At present, the Village population is 650 residents. With the current population, this is effectively a prohibition on caregivers.
- City of Grand Haven: allows caregivers to operate as a minor home occupation. At the time this ordinance was passed, dispensaries were still legal in Michigan and the Council was opposed to allowing dispensaries to operate in the city limits. This was an acceptable alternative. To date, there have been no issues relative to enforcement of medical marihuana as a minor home occupation. At present, there are no known caregivers operating in the City of Grand Haven. The Village of Dexter also permits medical marihuana as a home occupation. The Village of Manchester also treats medical marihuana caregivers as a home occupation.
- City of Coldwater: currently does not have any ordinances or moratoriums in place. It is believed that current provisions of State law governing the use of medical marihuana are enough. Currently under its rental inspection regulations, it has been revealed that some medical marihuana patients are popping up in Coldwater; however, there have been no known caregivers. In October of 2013 the City of Tecumseh extended its moratorium prohibiting caregiver operations for 180 days. During that time, the City of Tecumseh

intends to work on language to potentially regulate caregivers. The decision of *Terbeek v. Wyoming* was expected to be a factor in determining the best way to move forward.

A number of communities that don't have ordinances for medical marijuana have been waiting to see the decision handed down by the Michigan Supreme Court in the case of *Terbeek v. Wyoming*. This case dealt with language created by the City of Wyoming forbidding any activity that was prohibited under federal law. Terbeek, a medical marijuana patient who acted as his own caregiver argued that this language was an attempt to preempt the Michigan Medical Marijuana Act and ban all associated activities outright. Several municipalities in Michigan including Birmingham, Bloomfield Hills, Chelsea, Livonia, Midland, and Wyoming all have certain provisions in their zoning ordinance stating that any activity prohibited under federal law is not allowed under local ordinances. The Michigan Supreme Court handed down its decision on February 6, 2014. The unanimous opinion stated that communities can't pass ordinances to preempt the Michigan Medical Marijuana Act. Previous language would have imposed an outright ban on medical marijuana. Because this decision invalidates several ordinances in Michigan, it is likely that a number of Michigan communities who had previously adopted a "wait and see" stance toward medical marijuana regulations will now be able to move forward with developing policies that fit the needs of residents and those legislative bodies. Should the other tiers of potential regulation not be viable, the Planning Commission has the option to wait and see what other communities do in terms of regulation.

***Please see the attached article.***