

08/16/2022

VILLAGE OF EAU CLAIRE  
ORDINANCE NUMBER 2022-1

AN ORDINANCE TO AMEND  
THE AMENDED AND RESTATED MEDICAL  
MARIHUANA FACILITIES ORDINANCE,  
BEING ORDINANCE 2017-5 AMENDED 2019-1,  
SECTION 10, ENTITLED "MINIMUM OPERATIONAL STANDARDS  
OF A MEDICAL MARIHUANA PROVISIONING CENTER" (q)(2); and  
SECTION 14 ENTITLED "LOCATION OF MEDICAL  
MARIHUANA PROVISIONING CENTERS"

NOW THEREFORE, the Village of Eau Claire ordains:

**Section 1.**

Ordinance 2017-5 Amended 2019-1, under Section 10. "Minimum Operational Standards of a Medical Marihuana Provisioning Center", subsection (q)(2) shall be amended in its entirety to read as follows:

**Section 10.**

Minimum Operational Standards of a Medical Marihuana Provisioning Center

(q)

(2) Within two hundred and fifty (250) feet, measured property line to property line, of a facility at which substance abuse prevention services or a substance abuse treatment and rehabilitation services, as those terms are defined in part 61 PA 368 of 1978, MCL 333.6101 et seq., are offered; a church or other structure in which religious services are conducted; parks; or another medical marihuana establishment.

**Section 2.**

Ordinance 2017-5 Amended 2019-1, Section 14 shall be amended in its entirety to read as follows:

**Section 14.**

Location of Medical Marihuana Provisioning Centers.

(a) No medical marihuana provisioning center shall be located within:

(1) Within one thousand (1,000) feet measured property line to property line of the real property line comprising an operational school; a commercial child care organization (non-home occupation) that is required to be licensed or

registered with the Michigan Department of Health and Human Services, or its successor agency, under the Child Care Organizations Act, 1973 PA, MCL 722.11 et seq., or

(2) Within two hundred fifty (250) feet, measured property line to property line, of a facility at which substance abuse prevention services or substances abuse treatment and rehabilitation services, as those terms are defined in part 61 PA 368 of 1978, MCL 333.6101 et seq., are offered; a church or other structure in which religious services are conducted; parks; or another medical marijuana establishment

(b) Medical marijuana provisioning centers shall be subject to subsection (a) and shall be located only in the commercial district as a special use, as further specified in the Zoning Ordinance of the Village.

(c) No medical marijuana provisioning center shall be located within another business, however, notwithstanding anything contained in this Ordinance to the contrary, adult use marijuana establishments may be co-located with equivalent medical marijuana facilities provided it is done in compliance with Michigan Administrative Code R420.205. Furthermore notwithstanding anything contained in this Ordinance to the contrary, a licensee that has any combination of marijuana licenses may operate separate marijuana businesses at the same location provided it is done in compliance with Michigan Administrative Code 420.204

(d) No medical marijuana establishment shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

(e) Except as otherwise permissible under state law, no person shall allow the consumption of marijuana or marijuana infused products on licensed premises.

### **Section 3.**

#### **Prior Ordinances.**

All other ordinances in conflict with or superseded by this Ordinance are repealed except to the extent that any project, condition, violation or prosecution that was subject to the prior ordinance shall continue.

### **Section 4.**

#### **Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, unlawful or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Effective Date.**

This Ordinance shall take effect twenty (20) days after publication.

**SECTION 6. Publication.**

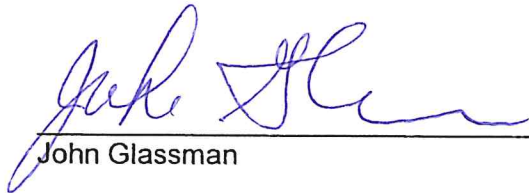
The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as by required by law.

YEAS: 4

NAYS: 0

ABSENT: 0

Dated: August 29, 2022

  
\_\_\_\_\_  
John Glassman

Ordinance declared adopted:

  
\_\_\_\_\_  
Shawn Foster, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Eau Claire and published in the Journal Era, a weekly newspaper published in the Village of Eau Claire, in the issue of said newspaper dated and published on 7 day of September, 2022.