

MEDICAL MARIHUANA

Summary of Regulations for Primary Caregiver Home Occupations

The State Law – Michigan Medical Marihuana Act. On November 4, 2008, voters in Michigan approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). The Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

The Local Ordinance – Medical Marihuana Home Occupation. State of Michigan registered primary caregivers who desire to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA, must conduct the activity only as a home occupation, as provided in the City of Portage Zoning Code (attached). A home occupation is an activity or service conducted by the resident(s) of the dwelling. A home occupation use must be subordinate and accessory to the principal residential use of the property. The local ordinance does not apply to qualifying patients who possess, cultivate/grow and use medical marihuana for personal use.

The requirements to operate a Medical Marihuana Home Occupation. A primary caregiver may operate a medical marihuana home occupation in the City of Portage subject to the following conditions:

1. The home occupation must be operated only in a dwelling unit.
2. Only one primary caregiver is allowed per dwelling unit.
3. The primary caregiver shall:
 - Assist no more than five qualifying patients who are connected with the primary caregiver through the Michigan Department of Community Health registration process.
 - Cultivate no more than 12 marihuana plants for each qualifying patient.
 - Possess no more than 2.5 ounces of marihuana per qualifying patient.
4. The home occupation must not be located within:
 - 500 feet of a public or private elementary, vocational or secondary school, public or private college, junior college or university; playground, or housing facility owned by a public housing authority, or
 - 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - If the primary caregiver's qualifying patient(s) are permanent residents of the primary caregiver's household, the distance provisions do not apply.
 - The attached map illustrates the distance locations within the City of Portage.
5. All medical marihuana plants must be located in the residential dwelling unit in an enclosed, locked facility, accessible only by the primary caregiver or qualifying patient. Use of an attached or detached accessory building is not permitted.
6. The home occupation must comply with all applicable City Code requirements, including:
 - Building, Electrical, Plumbing, Mechanical and Fire codes;
 - Noise ordinance requirements;
 - Safety, Sanitation and Health code; and
 - Housing/Property Maintenance code.
7. Lighting used in the grow operation that is visible to adjacent property owners and exceeds normal residential use must be shielded between the hours of 11:00 p.m. and 6:00 a.m.
8. Qualifying patients may only visit the site for purposes permitted under the MMMA and local ordinance between the hours of 8:00 a.m. and 8:00 p.m.

9. All vehicles must park on an improved surface normally required for the residential use.
10. No signs of any kind may be displayed identifying the home occupation.

The permits needed.

- A zoning permit from the City of Portage to operate a medical marihuana home occupation is not required. However, the primary caregiver must know and adhere to all conditions and requirements of the MMMA and local ordinance.
- Building or related permits may be required for the home occupation as a result of the medical marihuana grow operation. The following checklist will help you. If you answer yes, or do not know the answer to any of the questions below, a permit from the City of Portage may be required.

Yes No

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Is the electrical system adequate for the use of all equipment used, such as grow lights, humidifiers, and other devices? Changes to the electrical system such as new circuits and/or service panel upgrades require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Is the heating, cooling and ventilation system adequate to ensure proper temperatures, humidity levels and air quality are maintained? Modifications to the heating, cooling and ventilation systems require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Is the plumbing system adequate for the use of all equipment such as hydroponics or other devices? Modifications to the plumbing system require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Are you planning to alter any to walls, ceilings or floors? Such modifications require a permit. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Are carbon dioxide tanks and/or generators used in connection with the grow operation? The use of such equipment may require a permit. In addition, is all equipment installed and operated in accordance with manufacturer specifications, and approved for indoor residential use? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Are chemicals such as fertilizers, pesticides and other substances used in connection with the grow operation? While no specific permits are required, are all chemicals used in accordance with manufacturer specifications (including safe storage and proper disposal) and approved for indoor residential use? |

If one or more boxes have been checked, please contact the Department of Community Development for further assistance.

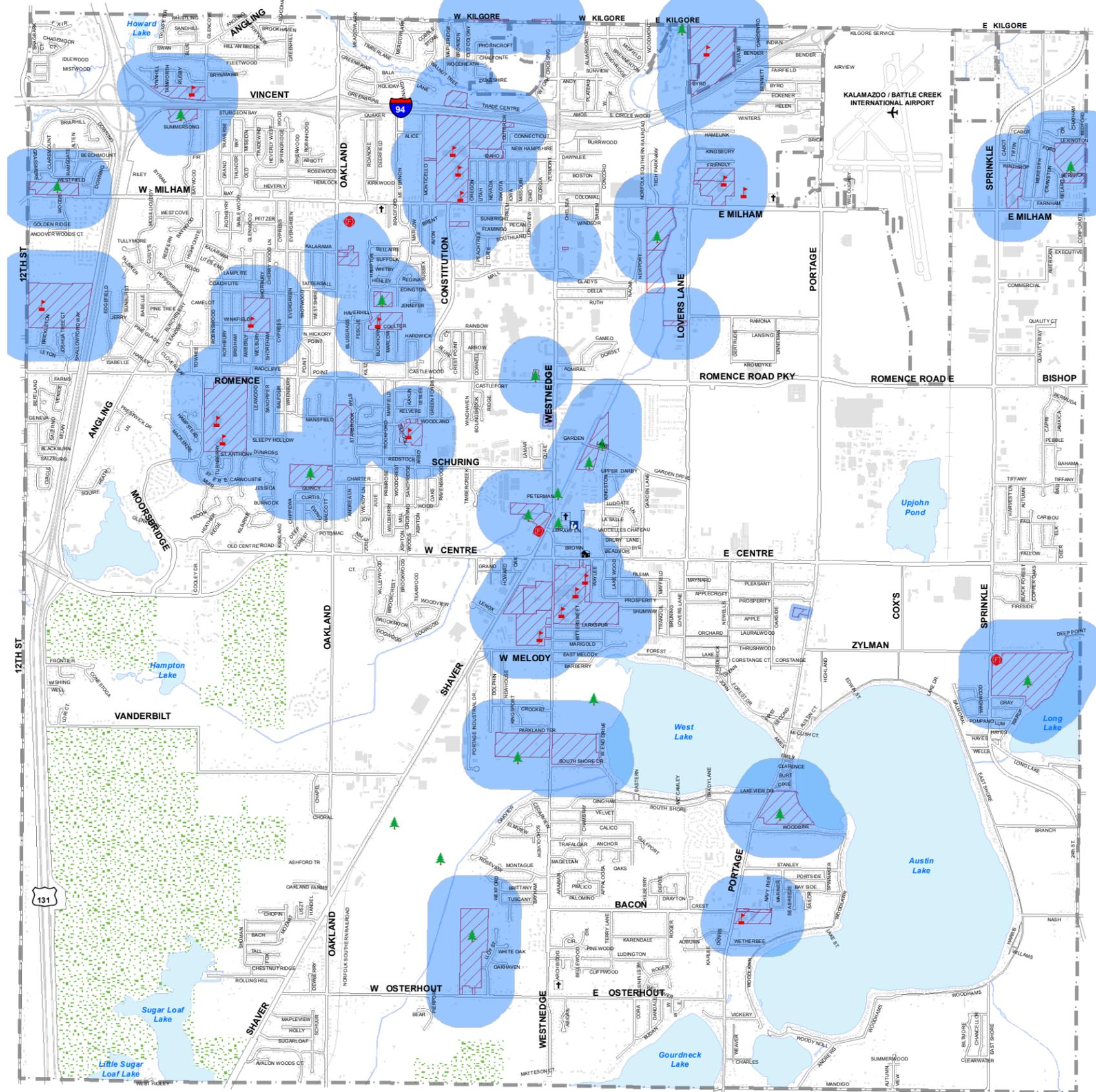
You are encouraged to contact the Department of Community Development at 269-329-4477 if you have any questions or require additional assistance to ensure compliance with City code.

Thank you for your cooperation.

Drug Free School Zone Spacing Requirements (1000 feet from schools, playgrounds, 100 feet from arcades)¹



Proposed Medical Marihuana Primary Caregiver Distance Provisions



NAME	ADDRESS	TYPE	DISTANCE
ALL PORTAGE PUBLIC SCHOOLS		SCHOOL	1000
PORTAGE PARKS		PARK	1000
EMPIRE BEAUTY SCHOOL	609 CONSTITUTION	SCHOOL	1000
HACKETT CATHOLIC CENTRAL H.S.	1000 W KILGORE RD	SCHOOL	1000
KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL	1000
LAZAR LAND	8302 PORTAGE RD	ARCADE	100
LLOY NORRIX H.S.	E KILGORE	SCHOOL	1000
OAKLAND ACADEMY	OAKLAND DR	SCHOOL	1000
PUTTERS FAMILY FUN CENTER	7206 S WESTNEDGE AV	ARCADE	100
ROSS MEDICAL	6235 S WESTNEDGE AV	SCHOOL	1000
ST MICHAEL LUTHERAN CHURCH SCHOOL	7211 OAKLAND DR	SCHOOL	1000
ST MONICA SCHOOL	530 W KILGORE RD	SCHOOL	1000
UNIVERSITY OF PHOENIX	950 TRADE CENTRE WA	HIGHER ED	1000
WOODSEDGE LEARNING CENTER (KRESA)	1501 E MILHAM AV	SCHOOL	1000
WRIGHT BEAUTY ACADEMY	6666 LOVERS LN	SCHOOL	1000

- Excluded Areas for Primary Caregiver
- Schools, Playgrounds etc.
- City Boundary
- State Game Area



1 in = 0.67 miles

Date: 10/20/2015

34% of total dwelling units excluded.¹