CITY OF LAINGSBURG
SHIAWASSEE COUNTY, MICHIGAN
ORDINANCE AUTHORIZING AND PERMITTING
COMMERCIAL MEDICAL MARIHUANA FACILITIES
ORDINANCE NO. 19XX

At a regular meeting of the City of Laingsburg ("City") City Council, held at the Laingsburg City Hall, 114 N. Woodhull St., Laingsburg, Michigan on_____, 2019, at _____ p.m., Council Member _____ moved to adopt the following Ordinance, which motion was seconded by Council Member _____: a motion was made and seconded and approved by the Laingsburg City Council.

An Ordinance to implement the provisions of the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, which authorizes the licensing and regulation of Commercial Medical Marihuana Facilities and affords the City the option whether or not to allow Commercial Medical Marihuana Facilities; to regulate a Commercial Medical Marihuana Facility by requiring a permit and compliance with requirements as provided in this Ordinance, in order to maintain the public rights, health, safety and welfare of the residents and visitors to the City; and to regulate the cultivation, distribution and use of Medical Marihuana permitted under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

THE CITY OF LAINGSBURG ORDAINS:

Section I. Definitions.

The following words and phrases shall have the following definitions when used in this Ordinance:

1. *"Application"* means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the *"Applicant."*

2. *"Clerk"* means the City of Laingsburg Clerk or his/her designee.

3. *"City"* means the City of Laingsburg.

4. *"Facility"* means one or a combination of the following:

   a. "*Provisioning Center,*" as that term is defined in PA 281;

   b. "*Processor,*" as that term is defined in PA 281;

   c. "*Secure Transporter,*" as that term in PA 281;

   d. "*Grower,*" as that term is defined in PA 281;

   e. "*Safety Compliance Facility,*" as that term is defined in PA 281.

5. *"LARA"* means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a License for a Facility.

b. Growers, Class B
0 Permits

c. Growers, Class C
0 Permits

d. Processors
2 Permits

e. Safety Compliance Facility
2 Permits

f. Secure Transporters
2 Permits

g. Provisioning Center
2 Permits

2. **Permit Requirement.** No Person shall operate a Facility at any time on any location within the City unless the Applicant has secured (1) a License to operate such Facility from the State of Michigan, (2) a Permit issued by the City under this Ordinance, and (3) a Special Use Permit issued by City Council following the review and recommendation by the City of Laingsburg Planning Commission ("Planning Commission") for the Facility.

3. **LARA Revoked License.** If LARA revokes the License of the Permit Holder, the Permit granted by the City shall be revoked at the same time and shall remain revoked until LARA reinstates the License and the City reviews the revoked and reinstated license.

4. **Application Fee.** At the time of Application, the Applicant shall pay a non-refundable Application fee of $5,000to defray the costs incurred by the City for the issuance of the Permit. This Application fee is in addition to (1) any fees and costs due to LARA and (2) any fees and costs due to the City related to acquiring the required Special Use Permit.

5. **Permit Term.** A Permit shall remain valid for a period of one (1) year after the date the Facility begins commercial operation. The Permit Holder shall notify the City of the Facility's commercial operation date within thirty (30) days after the Facility begins commercial operations. Permits are reviewed and renewed annually with payment of the non-refundable Application Fee.

6. **No Obligation to Renew.** A Permit shall not confer on the Applicant or Permit Holder any vested rights or reasonable expectation of subsequent renewal of the Permit.

7. **Permit Renewal Application.** A Permit renewal Application must be received by the Clerk no less than ninety (90) days of the Permit's effectiveness in order to be considered for renewal of the Permit. At the time of Application for Permit renewal, the Applicant shall pay a non-refundable Application fee of $3,500 to defray the costs incurred by the City for the review and issuance of the Permit renewal. This Application fee is in addition to (1) any fees and costs due to LARA and (2) any fees and costs due to the City related to amending or renewing the governing Special Use Permit.

such status, attached to a copy of the entity's registration with the State of Michigan and a certificate of good standing.

3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.

4) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.

5) If any sign is proposed, an application for Sign Permit in conformance with the marketing and advertising restrictions contained in the Regulations.

6) Non-refundable Application fee.

7) The general description of the proposed Facility as submitted to LARA in the Applicant's License Application, including but not limited to:
   i. The anticipated number of employees;
   ii. The proposed security plan required by the Regulations;
   iii. A copy of the proposed marijuana facility plan required by the Regulations;
   iv. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemical proposed for use in the Facility; and
   v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including assurances that odors will not be detected from outside of the Permitted Property.

8) Whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed, accompanied by a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

9) Signed and sealed (by Michigan registered architect, surveyor, or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.

10) Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.

d. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.

2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Permit renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the Permit. A Permit Holder whose Permit expires or for which a complete Permit renewal Application has not been received by the Clerk ninety (90) or more days prior to the Permit expiration shall be deemed to have forfeited the Permit under this Ordinance. Once a Permit renewal

5. **Waste Disposal.** The Permit Holder shall use lawful methods as specified in the Regulations and required by the City in controlling waste or by-products from any activities allowed under the License or Permit.

6. **Required Spacing.** No commercial Medical Marihuana Facility shall be located within five-hundred (500) feet from any school, college, university, or other educational institution.

7. **Amount of Marihuana.** The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner, or operator of the Facility shall not exceed that amount permitted by the State License or the City's Permit, whichever is lower.

8. **Sale of Marihuana.** The marihuana offered for sale and distribution must be packaged and labeled in accordance with State Law.

9. **Indoor Operation.** All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, processing, testing or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's design shall minimize any impact to adjacent uses, including the control of any odor by maintaining an air filtration system to limit odors that are detectable from outside of the Permitted Property.

10. **Additional Considerations.** The City Council may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section VI. Penalties and Consequences for Violation.

In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance constitute a misdemeanor punishable by a fine of not more than $500.00, imprisonment of not more than 90 days, or both. Each day such violation continues shall be considered a separate offense.

2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance constitute a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars ($500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

3. Violations of this ordinance shall be remedied within sixty (60) days of delivery of written notice by an authorized City official. In the event that such infraction has not been rectified by then, the City shall have the right to revoke the Facility's Permit and its right to operate thereunder.

Section VII. Severability.