

Village of Breedsville
Medical Marihuana Ordinance
Ordinance No: 050917.1

An Ordinance for the Village of Breedsville to permit and regulate Medical Marihuana Facilities consistent with Medical Marihuana Licensing Act (MMFLA), Public Act 281 of 2016

The Village Council of Breedsville hereby ordains:

SECTION 1. Purpose

The purpose of this article is to:

- 1) Serve and protect the health, safety and welfare of the general public;
- 2) Implement the provisions of the MMFLA and establish fair and equitable rules and regulations for establishing and operating Medical Marihuana Facilities consistent with state law;
- 3) Provide reasonable regulations pursuant to the Village of Breedsville general police power granted to the village by the Michigan Constitution of 1963 and the General Village Law Act 3 of 1895, MCL 61.1 et. Seq. as amended.

SECTION 2. Definitions

Medical Marihuana Facilities or Facility: Means one of the following 1) Grower; 2) Processing Facility; 3) Safety Compliance Facility; 4) Secure Transporter; and 5) Provisioning Center.

Permitted Property: The real property and associated buildings to be used in connection with a facility.

Grower: As the term is defined by the MMFLA, including Class A, B, and C. Growers;

Processing Facility: as the term is defined by the MMFLA

Safety Compliance Facility: As the term is defined by the MMFLA.

Secure Transporter: As the term is defined by the MMFLA.

Provisioning Center: As the term is defined by the MMFLA

Village Permit: A current and valid Permit for a Medical Marihuana Facility issued under this Ordinance for a specific Permitted Property;

Village Permit Holder: The person or entity that applies for and will hold the Village Permit.

SECTION 3. Medical Marijuana Facilities, Village Permit Required, General Provisions, Limits.

The Village authorizes the following state-licensed Medical Marihuana Facilities for operation within the municipality, subject to the Village's zoning ordinance and obtaining a Village permit: Growers (Class A, B, and C as defined by the MMFLA,

- A) Processing Facilities, Safety Compliance Facilities, Secure Transporters, and Provisioning Centers.
- B) Facilities must maintain an active license from the State of Michigan under the MMFLA and Comply with all applicable state laws.

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- C) No more than five (5) Village Permits will be granted at any time for Provisioning Centers within the Village
- D) The Village Permit and State License granted under the MMFLA must be prominently displayed at the Property in a location where it can be easily viewed by the public.
- E) All facilities are subject to periodic inspection and shall be made available to any, and all authorized Village inspectors and law enforcement personnel to ensure compliance with this Ordinance or any other local regulation.
- F) All Facilities shall not allow persons under the age of 18 to be on the premises unless they possess a valid medical marihuana registry card issued by the State of Michigan, and are accompanied by a parent or legal guardian;
- G) All Facilities must comply with the Federal Drug Free School Zone Act.

SECTION 4: Provisions for Growers,

Processing Facilities, Provisioning Centers, and Safety Compliance Facilities.

In addition to the requirements of Section 3, all Growers, Processing Facilities, and Safety Compliance Facilities must:

- A. Be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.
- B. Be designed to minimize odors emanating from the marihuana plants.
- C. Maintain a secure, closed, clean environment in the room where marijuana is to be stored, grown, processed, or tested, in order to prevent outside contamination and prevent the inadvertent and/or unauthorized removal of marihuana from the facility. All facilities must provide shower and locker room facilities for employees to ensure the provision of a clean environment.
- D. Have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal. All rooms that contain marihuana, in any form, must be individually locked and accessible only to authorized personnel.
- E. Have all drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.
- F. All facilities must be, in compliance with the standards of this Ordinance, including but not limited to the standards, at all times.

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Section 5: Provisions for Secure Transporters:

In addition to the requirements of Section 3, the following also applies to all secure transporters:

- A. All vehicles, and processes must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.
- B. All vehicles, and processes must be designed to minimize odors emanating from the marijuana plants.
- C. All operations must, have processes in place to prevent the contamination or pollination of the marijuana during the loading and unloading process.
- D. All vehicles, and processes must have adequate security to prevent access to the marijuana by non-authorized personnel, including unauthorized removal. All marihuana must be stored in hermetically sealed containers prior to transport.
- E. All operations must be, in compliance with the standards of this Ordinance, including but not limited to the standards at all times.

Section 6: Application for Village Permit, Renewals, Approvals, Issuance, Denial and Appeal,

- A. Applications for a Village Permit for a facility shall be available at the Village offices. Completed applications shall be submitted to the Village Clerk and must contain the following information:
 - 1) The name, address, and phone number of the proposed Village Permit Holder and the proposed Medical Marihuana Facility, including its location on a map;
 - 2) If the proposed Village Permit Holder is a corporation, nonprofit, limited liability, or other legal entity other than a natural person, a certificate of good standing issued by the State of Michigan;
 - 3) Documentation evidencing the proposed Permit Holder's valid tenancy, ownership, or other legal interest in the proposed Permitted Property;
 - 4) Non-refundable application fee;
 - 5) Business plan detailing the proposed Facility's plan of operation, including, but not limited to information regarding number of employees, hours of operation, security plans, operations to be performed, odor mitigation plans, and disposal of marihuana plans;
 - 6) Any other information the Village reasonably requests that is relevant to the processing or consideration of the application; and
 - 7) Applicants have a duty to supplement submitted applications if there are any changes in the relevant state law, any changes that would make the proposed Village Permit Holder ineligible for a state license under the MMFLA.
- B. Complete applications must be submitted to the Clerk at least seven (7) days in advance of the next regularly scheduled Village meeting for consideration at the meeting.

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- C. The same requirements for applications shall apply to renewal applications, Renewal applications. Renewal applications shall be submitted to the Clerk within ninety (90) days of the Village Permit's expiration.
- D. The Village shall approve or deny the application for a Village Permit within ninety (90) days of receipt of a complete Application. Any denial must be in writing and state the reasons for the denial. Any final denial of a Village Permit may be appealed to a court of competent jurisdiction, however, a pending appeal does not extend the expiration of a Village Permit. The Village has no obligation to review an incomplete application or renewal application and any times provided under this Ordinance shall not begin to run until the Village receives a complete application or renewal application, as determined by the Village. A determination that an application or renewal application is complete shall not prohibit the Village from requesting additional information.
- E. The Village may conditionally approval a Village Permit prior to the Village Permit Holder receiving a license from the State to operate a marihuana facility under the MMFLA. However, such condition permit does not authorize the Village Permit Holder to operating any facilities as authorized under the MMFLA. If the Village Permit Holder obtains a state license under the MMFLA, the Village issue a Village Permit.
- F. If the proposed Village Permit Holder does not have a building in existence at the time of application, the proposed Village Permit Holder shall have one year immediately following the date of the Village's initial approval to complete construction of the building.

Section 7: Facility Operation Requirements; Revoke Village Permit.

- A. The permitted Property be subject to a valid and current state license under the MMFLA and Village Permit for the specific type of approved facility in operation.
- B. All Facilities must comply with all state laws and regulations, including the MMFLA.
- C. All Facilities must comply with applicable zoning, building, health and other codes.
- D. Provisioning Centers shall not have hours of operation outside of 8:00 a.m. to 9:00 p.m. Monday through Saturday;
- E. All facility operations must comply with all other provisions of this Ordinance.
- F. A Village Permit issued may be revoked by the Village for any of the following:
 - 1) Knowing fraudulent or material misrepresentation contained in the Application;
 - 2) A pattern of knowing violations of the Section, after reasonable notice and opportunity to cure;
 - 3) A loss after final determination of the State Medical Marihuana Licensing Board of the Village Permit Holder's State Medical Marihuana Facility License;
 - 4) Failure or refusal to pay the Annual Fee.

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Section 8: Not Applicable to Primary Caregivers.

Licensed Medical Marihuana patients or caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall not be required to obtain a Village Permit to conduct legal activities in any zoning district, but must comply will all applicable Village ordinances, including those governing odor, and all applicable State laws.

Section 9: Fee Schedule.

The Village Fee Schedule for the permit to operate the Medical Marihuana Facilities shall be as following:

- A. Medical Marihuana Facility Village Permit: \$5,000
- B. Medical Marihuana Facility Annual Inspection/Village Permit Renewal: \$5,000

Failure to register or apply for a Village permit with the Village will be turned in the State, and local law enforcement for dismantle of the said operation.

SECTION 10. CIVIL FORFEITURE

Any medical marihuana sold or possessed with intent to sell in violation of this Ordinance may be seized, forfeited and disposed of by the police agencies serving the Village of Breedsville.

SECTION 11. SEVERABILITY

Sections of this ordinance shall be deemed severable to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 12. PENALTY

Any persons, firm, or corporation who shall violate any provisions of this Ordinance shall be deemed responsible of violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of not more than Five Thousand and 00/5,000 (\$5,00) Dollars, plus costs and attorney fees, both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Village may also seek injunctive relief.

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SECTION 13. ADOPTION AND EFFECTIVE DATE

This Ordinance is hereby, declared to have been adopted by the Village of Breedsville Council at a meeting thereof duly called and held on the 9th day of May, and ordered to be given effect as mandated by law, and shall become effective twenty (20) days after said date of adoption.

I hereby certify the foregoing constitutes a true and complete copy of Ordinance Number 050917.1 duly adopted by the Village Council of the Village of Breedsville, County of Van Buren, State of Michigan, at a regular meeting held on the 9th day of May, at which the following members were present:

S. Rogusta, J. Boettner, R. Greiffendorf, C. Brinn, J. Evans, R. Newberry.,

and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, of the Public Acts of Michigan of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that member R. Greiffendorf moved for adoption of said Ordinance and that member S. Rogusta seconded said motion.

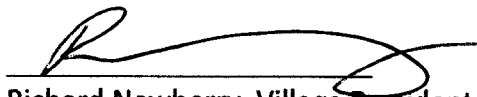
I further certify that the following members voted for adoption of said Ordinance:

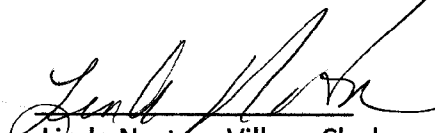
S. Rogusta, J. Boettner, R. Greiffendorf, C. Brinn, J. Evans, R. Newberry.,

and that the following members voted against such Ordinance:

None,

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President and Village Clerk.


Richard Newberry, Village President


Linda Norton, Village Clerk

I do hereby certify that a synopsis of this Ordinance, in accordance with statutory requirements was published on May 22, 17, in the South Haven Tribune, a copy of which is attached hereto.

Linda Norton, Village Clerk