

Michigan Medical Marihuana Ordinance
Ordinance # 10-2-2017-001

The Village of DeTour, Michigan
260 Superior St.

An Ordinance amending the Zoning Ordinance for The Village of DeTour to permit and regulate Medical Marihuana Grow Operations, Processing Facilities, Safety Compliance Facilities, and Secure Transporters by Special Use in certain parts of the Village, and to prohibit Medical Marihuana Provisioning Centers throughout the Village.

The DeTour Village Council hereby ordains:

SECTION 1.

2017-10-1 Definitions,

“Medical Marihuana Grow Operation: A commercial facility licensed under Public Act 281 of 2016 that cultivates, dries, trims, or cures Marihuana for sale to a processor or provisioning center. An Operation may grow plants shall be grown on the premises of any marihuana grow facility.

A Grower- 500 plants- (2) license allowable

B Grower- 1000 plants- (2) license allowable

C Grower- 1500 plants- (2) licenses allowable

Medical Marihuana Processing Facility: A commercial facility licensed under Public Act 281 of 2016 that purchases Marihuana from a licensed grow operation and extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a provisioning center.

Processor- (2) license allowable

Medical Marihuana Safety Compliance Facility: A commercial facility licensed under Public Act 281 of 2016 that receives Marihuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Marihuana facility.

Safety Facility- (1) license allowable

Medical Marihuana Secure Transporter: A commercial facility licensed under Public Act 281 of 2016 that stores Marihuana and transports Marihuana between Marihuana facilities for a fee.

Secure Transporting- (1) license allowable

Medical Marihuana Provisioning Center: A commercial facility licensed under Public Act 281 of 2016 that purchases Marihuana from a licensed grower or processor and sells, supplies, or provides Marihuana to registered qualifying patients, directly, or through the patients’ registered primary caregivers. The term “provisioning center” shall include any commercial property where Marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A

noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's Marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this Ordinance."

Provisioning Centers- (0) licenses allowable

SECTION 2.

2017-10-2 Zoning Area

Zoning Districts, Zoning Map, and Schedule of Regulations – General Provisions, shall be amended to add the following text to the table of uses, under the "Industrial Uses" category.

SECTION 3.

2017-10-3

Industrial District reads as follows:

Medical Marihuana Uses, as listed below, in The Village Business Park, provided that they are licensed by the State of Michigan under Public Act 281 of 2016.

- a) Medical Marihuana Grow Operation*
- b) Medical Marihuana Processing Facilities*
- c) Medical Marihuana Safety Compliance Facilities*
- d) Medical Marihuana Secure Transporters*

SECTION 4.

2017-10-4

Uses Authorized by Special Use Permit:

1) Pursuant to Section 205(1) of Public Act 281 of 2016, the Village authorizes the following state-licensed medical marihuana facilities for operation within the municipality: Growers, Processors, Safety Compliance Facilities, and Secure Transporters. A Special Use Permit may be granted for the following Medical Marihuana Uses, if they are located in the DeTour Village Business Park :

- 1) Medical Marihuana Grow Operations*
- 2) Medical Marihuana Processing Facilities*
- 3) Medical Marihuana Safety Compliance Facilities*
- 4) Medical Marihuana Secure Transporters*

*A) Medical Marihuana Provisioning Centers shall be **prohibited** in all zoning districts.*

B) All Special Use Permits granted to the Medical Marihuana Uses listed above shall be conditioned on the licensing of the facility by the State of Michigan. Facilities must meet all State requirements, including but not limited to those of LARA and the MDEQ. Facilities must maintain an active license from the State of Michigan under Public Act 281 of 2016 at all times in order to operate.

C) The following shall apply to Grow Operations, Processing Facilities, and Safety Compliance Facilities:

D) All facilities must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, Marihuana, and other potential contaminants discharged into the well and/or septic system

E). The facilities shall follow the Food Safety Management Act (FSMA) as it relates to federal inspection guidelines and security guidelines.

2) All facilities must be designed to minimize odors emanating from the Marihuana plants.

3) All facilities must maintain a secure, closed, clean environment in the room where Marihuana 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. All activities of a medical marihuana processing center, medical marihuana provisioning center, or medical marihuana safety compliance facility shall be conducted indoors and/or a secure greenhouse structure.

4) All facilities must 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 personal.

5) All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.

6) All facilities must be in compliance with the standards of this Ordinance, including but not limited to the standards in Section 4, at all times.

E) The following shall apply to Secure Transporters:

1) All facilities, vehicles, and processes must 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.

2) All facilities, vehicles, and processes must be designed to minimize odors emanating from the Marihuana plants.

3) All operations must have processes in place to prevent the contamination or pollination of the Marihuana during the loading and unloading process.

4) All facilities, vehicles, and processes must have adequate security to prevent access to the Marihuana by non-authorized personnel, including unauthorized removal. All Marihuana must be stored in hermetically sealed containers prior to transport.

5) All operations must be in compliance with the standards of this Ordinance, including but not limited to the standards in Section 4, at all times.

F) If approved for a Special Use, and after payment of a fee to be determined by the Village Board, Medical Marihuana Facilities shall be issued an Operating License. The Operating License must be renewed annually, through the payment of a fee to be determined by the Village Board and through compliance with the requirements of the State of Michigan and this Ordinance as demonstrated through an inspection by the Building Official or his or her designee. The Operating License and State Medical Marihuana Facility License must be displayed in plain view clearly visible to Village officials and Medical

Marihuana Licensing Board authorized agents. All License Holders shall be subject to periodic inspection, and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, The Village representative and law enforcement personnel.

G) Within 30 days after Special Use Approval, the Village shall provide the following to the Medical Marihuana Licensing Board:

- 1) A copy of this Ordinance*
- 2) A copy of any zoning regulations that apply to the Applicant Facility*
- 3) A description of any violation of this Ordinance or applicable zoning regulations committed by the applicant, but only if those violations related to activities licensed under Public Act 281 of 2016.*
- 4) No person who has opened or operated a facility doing business or purporting to do business under this Section without first obtaining a Special Use Permit and a State Operating License shall be eligible for an Operating License under this Ordinance.*

H) Licensed medical Marihuana patients or caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall not be required to receive Special Use Approval to conduct legal activities in any zoning district, but must comply will all applicable The Village ordinances, including those governing odor, and all applicable State laws.

I) Permit issued under this Section may be revoked by the Village Board for any of the following:

- 1) Knowing fraudulent or material misrepresentation contained in the Application*
- 2) A pattern of knowing violations of this Section, after reasonable notice and opportunity to cure*
- 3) A loss after final determination of the State Medical Marihuana Licensing Board of the Permit Holder's State Medical Marihuana Facility License*
- 4) Failure or refusal to pay the Annual Fee*

Section 5

2017-10-5 Application Requirements:

- (1) Application requirements for new Operating licensee. An application for a new annual Operating license for a Medical Marihuana Establishment shall be submitted to the Village Clerk on a form provided by the Village for preliminary review by staff to confirm that the applicant has submitted a complete application, which shall fulfill all of the requirements indicated on the form, including but not limited to:
 - (a) If the Medical Marihuana Establishment commenced operation prior to passage of this ordinance in a different location (other than The Village of DeTour), proof of the date on which the medical marihuana provisioning center commenced operation shall be**

- provided.*
- (b) The name and address of the Medical Marihuana Establishment to be located in The Village of DeTour and any other contact information requested on the application form.*
 - (c) The name and address of all owners of the real property where the Medical Marihuana Establishment will be located.*
 - (d) Name, street address, and other contact information of all stakeholders of the Medical Marihuana Establishment and, if the applying entity is a sole proprietorship with an assumed name, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity the name, street address, and other contact information of all stakeholders, all of whom are considered collectively to be the applicant for the license.*
 - (e) Name and address of at least one designated general manager responsible for day-to-day operations.*
 - (f) A statement with respect to each person named on the application whether the person has:
 - (i) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.*
 - (ii) The applicant has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years.*
 - (iii) Within the past 5 years the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.**
 - (g) A description of the type of marihuana facility; anticipated or actual number of employees.*
 - (h) Proof of applicant's ownership or legal possession of the premises.*
 - (i) Payment of a non-refundable application fee, which shall be determined by resolution of the Village Council. Fees for zoning compliance permits and certificates of occupancy shall be separate from the application fee, but shall be paid pursuant to the same procedures as applied to applications for zoning compliance permits and certificates of occupancy for other uses.*
 - (j) Any other information the Board requires by rule.*
- (2) Renewal or amendment of existing licenses.*
- (a) The procedure for a renewal or amendment of an existing license shall be done in accordance with an expedited renewal or amended license application process to be*

determined by the Board.

- (b) An application for renewal of an existing Operating license shall be submitted no sooner than 60 days before the existing license expires.*
 - (c) If a license renewal application is not submitted by the license expiration date, the license may be renewed within 60 days after its expiration date upon application, payment of the required fees, and satisfaction of all the requirements for the issuance of a new license. The licensee may continue to operate during the 60 days after the license expiration date if the license renewal application was submitted within 10 days of the expiration date.*
 - (d) An amended application shall be submitted when there is a change in any information the applicant was required to provide in the most recent application on file with the Village.*
 - (e) An application to amend an existing license to change the location of the medical marijuana establishment shall be submitted no later than 60 days before the existing license expires. An application to amend an existing license to change any other information on the most recent application on file with the Village may be submitted at any time.*
 - (f) Applications for renewal or amendment of existing licenses shall be reviewed and granted or denied before applications for new licenses are considered.*
- (3) Operating License requirements. Following official confirmation by The Village Clerk and/or the delegated The Village representative that the applicant has submitted a complete application, a new license shall not be issued to a medical marijuana establishment until the applicant for the license complies with all of the following requirements:*
- (a) The applicant has a valid and current temporary certificate of occupancy.*
 - (b) The applicant has installed the following security measures on the premises in conjunction and/or in addition to MMMA requirements as required by LARA:*
 - (i) Security cameras to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marijuana or cash. Recordings from security cameras shall be maintained for 3 months.*
 - (ii) A safe for overnight storage of any processed marijuana and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.*
 - (iii) A monitored alarm system.*
 - (iv) Secured, lockable fencing of at least 10 feet tall around any greenhouse structure(s)*
 - (c) The applicant has paid the non-renewable Operating license fee, as determined by resolution of the Village Board. Inspection fees shall be separate from the license fee, but shall be the same amount and shall be paid pursuant to the same procedures that apply to inspections for other uses.*
- (4) Time period within which applicant must comply with license requirements. The applicant shall*

demonstrate compliance with all requirements for issuance of an Operating license by scheduling a final inspection to obtain a full certificate of occupancy, which shall occur within 8 weeks after the date of the Village staff's official confirmation that the application for a license was complete. If it is determined that not all license requirements are satisfied, then the applicant shall schedule another inspection, to occur within 30 calendar days, at which time all license requirements shall be complete. If all requirements are not complete, then the license shall be denied.

- (5) *Disqualifying circumstances. An applicant is ineligible to receive an Operating license if any of the following circumstances exist:*
- (a) *The applicant has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years.*
 - (b) *Within the past 5 years the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a City or other local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.*
 - (c) *The applicant has knowingly submitted an application for a license under this Chapter that contains false information.*
 - (d) *The applicant fails to meet other criteria established by this Chapter or other rule.*
 - (e) *The applicant was denied a license from the MMMA Board and/or LARA*

Section 6

2017-10-6 Conduct of business at a medical marihuana establishment.

- (1) *All marihuana in any form kept at the location of the medical marihuana Establishment shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.*
- (5) *All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day.*

The Village of DeTour, Michigan

An Ordinance to add fees for Medical Marihuana Facility Licenses and Medical Marihuana Facility Annual Inspections/License Renewals

The Village of DeTour Council hereby ordains:

SECTION 7

2017-10-7 The Village/The Village to add the following fees:

*Medical Marihuana Facility Operating License: \$5,000**

*Medical Marihuana Facility Annual Inspection/Operating License Renewal: \$5,000**

**Note: the fees include the costs associated with:*

- *administration of the licensing with the Clerk,*
- *verification of the background check procedure with the State of Michigan, LARA*
- *compliance with the Ordinance,*
- *periodical on premise checks for compliance and security measures adherence,*
- *review with the facility and license holder from time to time to encourage a cooperative business relationship arrangement with the Village,*
- *Continual review of any new Laws, regulations, changes in existing laws as set by LARA and the MMMA of 2016,*
- *Costs for the Village Representative as agreed within an agreement implemented for the overview and management of the Ordinance.*

**The operator's License/renewal fees are non-refundable*

The Village of DeTour, 260 Superior, DeTour Village, Michigan 49725