

MEDICAL MARIHUANA FACILITY PERMIT APPLICATION

Community Development, c/o Clerk's Office, 519 Washington Avenue, Grand Haven, MI 49417
Phone: (616) 847-3490 Website: www.grandhaven.org

1. Proposed Facility Location

Address: _____

Parcel #: _____ Zoning District: _____

Facility Type:

- | | |
|---|---|
| <input type="checkbox"/> Grower Class A | <input type="checkbox"/> Provisioning Center |
| <input type="checkbox"/> Grower Class B | <input type="checkbox"/> Safety Compliance Facility |
| <input type="checkbox"/> Grower Class C | <input type="checkbox"/> Secure Transporter |
| <input type="checkbox"/> Processor | |

2. Applicant

Name: _____

Company: _____

Address #: _____

Phone #: _____

Email: _____

3. Property Owner

Name: _____

Address: _____

Phone #: _____

Email: _____

3. Required Attachments

The applicant is responsible for ensuring that a complete application is submitted. See Code of Ordinances Section 9.5-43 for specific details. Additional information shall be required from the applicant as reasonably requested by the City during the application process.

4. Non-refundable Application Fee: \$5,000

By signing below, permission is granted for city staff to enter the subject property for purpose of gathering information to review this request. In addition, the applicant agrees to perform the described work in accordance with all applicable Sections of the City of Grand Haven Code of Ordinances. Applicant and all related persons consent to a background check conducted by the City or any agency used by the City to complete such checks.

Signature of Applicant: _____ Date: _____

Print Name: _____

Signature of Property Owner: _____ Date: _____

Print Name: _____

Office Use Only

Date Received: _____ Reviewed By: _____ Deficiencies? Y / N

Date Rejected: _____ Date Accepted: _____ Lottery: _____



GOOD NEIGHBOR PLAN

Marihuana Facility Information

Address of proposed medical marihuana facility: _____

Facility Type (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Grower Class A | <input type="checkbox"/> Provisioning Center |
| <input type="checkbox"/> Grower Class B | <input type="checkbox"/> Safety Compliance Facility |
| <input type="checkbox"/> Grower Class C | <input type="checkbox"/> Secure Transporter |
| <input type="checkbox"/> Processor | |

Applicant Name: _____

Applicant Signature: _____ Date: _____

Statement of Good Faith Effort

Check all of the following that apply.

- A neighborhood meeting was hosted by the applicant (list details of all meetings)

- The applicant contacted the following relevant neighborhood stakeholders (nearby employers, businesses, non-profit organizations, etc.)

- All tenants and owners within 300 feet of the property, as measured from all property lines, were contacted by mail sent on the following date(s):

Crime Prevention and Awareness: Staff at the proposed facility will be trained in crime prevention and awareness using the following method(s):

Marihuana and Sales to Minors: The following method(s) will be employed to reduce sales of marihuana to minors:

Litter Control: The following method(s) will be employed to reduce and control the incidence of litter in and around the proposed facility:



Loitering Control: The following method(s) will be employed to reduce loitering at or near the proposed facility:

Trespass Enforcement: The following method(s) will be employed to reduce trespassing on the property of the proposed facility:

Landscape Maintenance: Proposed landscaping on the site of the proposed facility, and a plan for its maintenance, includes the following:

Neighborhood Communication: The following methods will be used to ensure lines of communication with the neighborhood or business organization(s), owners, and tenants near the proposed facility:



CITY OF GRAND HAVEN
MEDICAL MARIHUANA FACILITY | CERTIFICATION OF NO TRANSFER

Applicant Name: _____

Application Date: _____

Application Number: _____

The individual or entity that applies for, is issued, or holds a Permit (the "Applicant") represents, warrants, and agrees that for a minimum of 30 months after either the initial issuance of a Permit arising out of this Application ("Permit") under Chapter 9.5 of the Grand Haven Code of Ordinances or a License to operate a medical marihuana facility in the City of Grand Haven, whichever is later, Applicant will not directly or indirectly or contingently, whether voluntarily, involuntary, or by operation of law, sell, assign, transfer, convey, give away, pledge, mortgage or otherwise encumber any interest in: (a) this Application; (b) any Permit; (c) any renewal of any Permit; (d) or any equity or voting interest in the Applicant. Applicant shall not have the right to sublicense any of the rights granted by the Application or Permit.

If the Applicant is a corporation, partnership, limited liability company, or other entity, each person, entity, or individual owning any direct or indirect membership, stockholder, or equity interest in the Applicant or any Permit ("Owner") represents, warrants, and agrees that for a minimum of 30 months after either the initial issuance of a Permit under Chapter 9.5 of the Grand Haven Code of Ordinances or a License to operate a medical marihuana facility in the City of Grand Haven, whichever is later, Owner will not directly or indirectly or contingently, whether voluntarily, involuntary, or by operation of law, sell, assign, transfer, convey, give away, pledge, mortgage or otherwise encumber any interest in: (a) this Application; (b) any Permit; (c) any renewal of any Permit; (d) or any equity or voting interest in the Applicant. Owner shall not have the right to sublicense any of the rights granted by the Application or Permit.

Within the minimum 30 months, any transfer of the Applicant, this Application, or Permit are subject to the written approval of the Community Development Manager per Section 9.5-43(a)(3)(xv), notwithstanding any provision of any ordinance, rule, regulation, or statute. Any attempted transfer not in accordance with this Certification is void, will have no effect, and will constitute a breach of both this Certification and the City of Grand Haven Ordinance which may result in, among other penalties, revocation of the Permit.

Applicant:

Applicant:

By:
Its:

By:
Its:

Owner:

Owner:

Owner:

Owner:

Owner:

Owner:

AN ORDINANCE TO AMEND CHAPTER 9.5 – BUSINESS REGULATIONS, ARTICLE IV - MARIHUANA ESTABLISHMENTS OF THE CITY OF GRAND HAVEN CODE OF ORDINANCES

The City of Grand Haven Ordains:

Section 1. Addition. Sections 9.5-39 through 9.5-45 are added to Chapter 9.5, Article IV of the Code to state as follows:

Sec. 9.5-39. - Title.

Sections 9.5-39 through 9.5-45 shall be known and cited as the “Commercial Medical Marihuana Facilities Ordinance of the City of Grand Haven.”

Sec. 9.5-40. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

APPLICATION means an Application for a Permit under this Chapter and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be the proposed Permit Holder, who may also be referred to as the Applicant.

COMMERCIAL MEDICAL MARIHUANA FACILITY or FACILITY means one of the following:

- (a) Provisioning Center, as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (MMFLA);
- (b) Processor, as that term is defined in the MMFLA;
- (c) Secure Transporter, as that term is defined in the MMFLA;
- (d) Grower, including Class A, Class B and Class C, as those terms are defined in the MMFLA;
- (e) Safety Compliance Facility, as that term is defined in the MMFLA.

DEPARTMENT means the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.

LICENSE means a current and valid License for a Commercial Medical Marihuana Facility issued by the Department. Prequalification, provisional licenses, or temporary licenses are not Licenses under this Chapter.

LICENSEE means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.

MARIHUANA means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

MEDICAL USE OF MARIHUANA means that term as defined in MCL 333.26423.

PARAPHERNALIA means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with the Medical Use of Marihuana.

PATIENT means a “qualifying patient” or a “visiting qualifying patient” as those terms are defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 (MMMA), MCL 333.26421, et seq.

PERMIT means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Chapter, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. The Permit shall be in addition to the special use permit required to be obtained under the City’s Zoning Ordinance.

PERMIT HOLDER means the Person that holds a current and valid Permit issued under this Chapter.

PERMITTED PREMISES means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.

PERMITTED PROPERTY means the real property comprised of a lot, parcel, or other designated unit of real property upon which the Permitted Premises is situated.

REGISTRY IDENTIFICATION CARD means the document issued to a Patient or a Primary Caregiver and defined under MCL 333.26423(m).

Sec. 9.5-41. - Permit Required; Number of Permits Available; Eligibility; General Provisions.

- (a) The City authorizes the operation of the following types of Commercial Medical Marihuana Facilities, subject to the number of available Permits issued in this Section:
 - (1) Growers, Class A;
 - (2) Growers, Class B;
 - (3) Growers, Class C;
 - (4) Processors;
 - (5) Provisioning Centers;
 - (6) Safety Compliance Facilities; and
 - (7) Secure Transporters.

- (b) The number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the City:
 - a. Grower Permits, Class A, Class B, and Class C: no limit

- b. Processor Permits: no limit
- c. Provisioning Center Permits: 4
- d. Safety Compliance Facility Permits: no limit
- e. Secure Transporter Permits: no limit

These limits are subject to change by Resolution of the City Council.

- (c) No Person shall operate a Commercial Medical Marihuana Facility at any time or any location within the City unless a currently-effective Permit for that Person at that location has been issued under this Chapter.
- (d) Commercial Medical Marihuana Facilities shall operate only as allowed under this Chapter.
- (e) The requirements set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes, or ordinances.
- (f) An Applicant shall pay Application fees, annual fees, renewal fees and inspection fees for Permits to the City to defray the costs incurred by the City for inspection, administration, and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The City Council shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law.
- (g) A Permit and a Renewal Permit shall not confer any vested rights on the Applicant or Permit Holder, and shall remain valid for only one year immediately following its approval.
- (h) Each year, any timely and fully completed pending Applications for renewal or amendment of valid, unexpired Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
- (i) It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the City with all material changes in any information submitted on an Application and any other changes that may materially affect any License or its Permit.
- (j) No Permit issued under this Chapter may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Chapter and has been granted a Permit by the Community Development Manager. No Permit issued under this Chapter is transferrable to any other location except for the Permitted Premises on the Permitted Property.
- (k) The original Permit issued under this Chapter shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement, and administrative authorities.
- (l) Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents, and employees for local law

enforcement to conduct unannounced examinations of the Facility and all articles of property in that Facility during regular business hours or whenever the facility is occupied upon suspicion or complaint of illegal activity or permit violations.

- (m) A Permit Holder may not engage in any other Commercial Medical Marihuana Facility activity in the Permitted Premises or on the Permitted Property, or in the Permit Holder's name at any other location within the City, without first obtaining a separate Permit.
- (n) Provisioning Centers shall post in a location that is easily seen by all patients and shall include a printed flier in all orders the following information about State of Michigan resources regarding the possession, use and storage of marihuana: www.michigan.gov/marihuana or successor web site or resource.

Sec. 9.5-42. - Other Laws and Ordinances.

In addition to the terms of this Chapter, any Commercial Medical Marihuana Facility shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable federal, state, and local ordinances, laws, codes, and regulations. To the extent that the terms of this Chapter are in conflict with the terms of any other applicable federal, state, or local ordinances, laws, codes, or regulations, the terms of the most restrictive ordinance, law, code, or regulation shall control (except that the Medical Use of Marihuana shall be permitted, in accordance with this Chapter, unless enforcement action is taken under federal law by a federal law enforcement agency).

Sec. 9.5-43. - Application for and Renewal of Permits.

- (a) Application. An Application for a Permit for a Facility shall be submitted to the Community Development Manager per Permitted Premise, and shall contain the following information:
 - (1) The name, address, telephone number, and e-mail address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility.
 - (2) The names, home addresses, and personal telephone numbers for all owners, directors, officers, and managers of the Permit Holder and the Commercial Medical Marihuana Facility.
 - (3) One (1) copy of all the following:
 - (i) An official statement issued by the Department indicating that the Applicant has successfully completed prequalification for a License, if any. Copies of Entity/Individual Prequalification Packets and Supplemental Applicant Prequalification Packets or investigations conducted by the Department (if available) shall be provided.
 - (ii) All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner

of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility. A property owner shall only enter into one (1) notarized statement per property with one (1) prospective Permit Holder for each applied-for Permit. All documentation establishing that the Permitted Premises and Permitted Property are within an overlay area with available permits.

- (iii) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company, or any other entity other than a natural person, it must indicate its legal status, attach a copy of all business or other organization formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing with the State of Michigan.
- (iv) A valid, unexpired driver's license or state issued ID for all owners, directors, officers, and managers of the proposed Facility.
- (v) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
- (vi) Application for Sign Permit, if any sign is proposed.
- (vii) Non-refundable Application fee.
- (viii) Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - 1. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - 2. A security plan which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 - 3. A description by category of all products to be sold.
 - 4. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
 - 5. A plan for ventilation system for the medical marihuana facility. The building shall, at a minimum, be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through any exhaust vent

will pass through an activated carbon filter. Negative air pressure shall be maintained inside the building so that odors shall not escape through traffic in and out of exit access doorways. There shall also be an established maintenance program to inspect the carbon filters regularly and to replace the filters per the manufacturer's recommendations or every 365 days, whichever is less.

6. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- (ix) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting, or sale of Marihuana for the Facility.
 - (x) Whether any Applicant has ever applied for or has been granted, denied, restricted, suspended, revoked, or not granted renewal for any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction; and a statement describing the facts and circumstances concerning the application and any denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - (xi) 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.
 - (xii) Information regarding any other Commercial Medical Marihuana Facility that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
 - (xiii) Applicant and all related Persons consent to a background check conducted by the City or any agency used by the City to complete such checks.
 - (xiv) Completed Good Neighbor Plan on a form provided by the City and found by the Community Development Manager to be accurate and sufficient.
 - (xv) Applicant's Certification on a form provided by the City restricting transfer of the Permit and subsequent renewed Permits, and restricting the transfer of any interest in the Permit Holder for a period of not less than 30 months after issuance of the Permit and License. This commitment shall be enforceable severally or jointly by the City against the Applicant, Permit Holder, and any members or shareholders thereof.

- (4) Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.
 - (5) If the Community Development Manager identifies or is informed of a deficiency in an Application, the Applicant shall have five (5) business days to correct the deficiency after notification by the Community Development Manager.
 - (6) Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure to the extent so provided by state law.
- (b) Receipt of Applications.
- (1) The Community Development Manager may determine appropriate dates, times, and places to accept Applications for new Permits. Notice of the day, time, and place of such acceptance shall be given by publication twice in a newspaper of general circulation within the City, the first of which shall be at least ten (10) days before the date set to accept the Applications. The notice shall also be posted on the City's website.
- (c) Denial of Application.
- (1) The Community Development Manager shall reject any Application that does not meet the requirements of the MMFLA or this Chapter. The Community Development Manager shall reject any Application that contains any false, misleading, or incomplete information.
 - (2) An Applicant whose Application is rejected or denied because of missing, incomplete, erroneous, false, or misleading information, or because of a lack of submission of the full amount of the fees due, may appeal the denial to the City Manager, whose decision shall be the final administrative action on an application denial.
- (d) Issuance of Conditional Approval.
- (1) Complete Applications for a Commercial Medical Marijuana Facility Permit determined to be in full compliance with the requirements of this Chapter shall be issued conditional approval in accordance with the procedures specified in this Section.
 - (2) The Community Development Manager shall issue a conditional approval if:
 - (i) The background checks are complete and satisfactory;
 - (ii) All other information available to the City verifies that the Applicant as a grower, processor, provisioning center, safety compliance facility, or secure transporter has submitted a full and complete

Application and is in compliance with this Code and any other applicable law, rule, or regulation.

- (3) A conditional approval only means that the Applicant has submitted a valid Application for a Commercial Medical Marihuana Facility Permit and is eligible for the lottery.
 - (4) Within 30 days from the issuance of a conditional approval the Applicant shall submit proof to the City that the Applicant has submitted a full application for such License, unless such information was provided in the Application. If the Applicant fails to timely submit such proof, the conditional approval shall be void, the application denied, and any lottery position void.
 - (5) A conditional approval and any lottery selection shall be void if an Applicant is denied prequalification for a License or is denied a License. Such denial shall be provided immediately to the Community Development Manager by the Applicant.
 - (6) A conditional approval does not prevent the Community Development Manager from requesting additional documentation, as required or permitted under this Chapter.
- (e) Lottery; Order of Special Use Permit Applications.
- (1) After all Applications have been either granted conditional approval or denied the Community Development Manager shall then sort the Applications by the type of Facility permit requested. If there are more conditionally approved applications than available permits, then the following steps shall be followed to establish applicant eligibility.
 - (2) The Community Development Manager shall then sort applications by share of local ownership, with those applications demonstrating a minimum 33% local ownership stake (as evidenced by clear ownership documentation provided to the Community Development Manager such as partnership agreements, ownership stakes, tax bills, voting records and the like) classified as Lottery #1 and those not establishing a minimum 33% local ownership stake classified as Lottery #2.
 - (3) Each conditionally approved Application demonstrating minimum local ownership stake of 33% will be entered into Lottery #1 by Facility type to determine which Applications may submit special use permit applications. Each Facility type shall be drawn by random lottery as follows.
 - (i) For Provisioning Centers the Community Development Manager shall randomly draw the name or number of each Provisioning Center Applicant until all conditionally approved applications are drawn. The Applicants drawn may then apply for a special use permit.

- (ii) For each other Facility type, the Community Development Manager shall randomly draw the name or number of the Applicants until all conditionally approved applications are drawn.
 - (iii) The number of special use permit applications submitted may not exceed the number of available Permits under this Chapter. In each Facility type, the number of Applicants drawn equal to the available Permits under this Chapter at the time of the lottery may apply for a special use permit. Applicants drawn after the number of available Permits will retain that lottery position as provided in this Chapter.
 - (iv) The Community Development Manager shall maintain a record of the lottery results and order of drawing for each Facility type until December 31 of the year in which the lottery occurred. Lottery positions do not confer any right to a Permit under this Chapter.
 - (v) All lottery drawings shall be conducted publicly by the Community Development Manager with the date and time published on the City's website and all entrants provided notice.
 - (vi) Should there be available permits following the completion of Lottery #1 for all facility types, then the same process shall be employed, if necessary, as Lottery #2 to determine non-resident eligibility for application for a special use permit.
- (3) All special use permit applications must be submitted within sixty (60) days of the lottery or notice under this sub-section. If the Applicant does not timely submit a special use permit application or a special use permit is denied, then the Community Development Manager may consult the lottery results and notify the next Applicant that they may apply for a special use permit.
- (f) **Renewal Application.** The same requirements that apply to all new Applications for a Permit, except for special use permit and lottery requirements, shall apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the Community Development Manager not less than ninety (90) days prior to the expiration of the annual Permit,. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Chapter. The City will not accept Renewal Applications after the expiration date of the Permit.
- (g) **Issuance of Commercial Medical Marihuana Facilities Permit.**
- (1) An inspection of the proposed Commercial Medical Marihuana Facility by the City shall be required prior to issuance of the Permit. Such inspection shall occur after the potential Permitted Premises are ready for operation, but prior to the stocking of the business with any Marihuana, and prior to the opening of the Facility or commencement of operations. The inspection is to verify that the Facility is constructed and can be operated in accordance with the Application submitted and the applicable requirements of this

Chapter, the special use permit, and any other applicable law, rule, or regulation.

- (2) After verification the Facility is constructed and can be operated in accordance with the Application submitted and the applicable requirements of this Chapter, the special use permit, and any other applicable law, rule, or regulation, and the issuance of a permanent certificate of occupancy for the Facility, the Community Development Manager shall issue the Permit for a term of one (1) year.
 - (3) Maintaining a valid License is a condition for the issuance and maintenance of the Permit issued under this Chapter and the continued operation of any Facility.
 - (4) An Applicant or Permit Holder has a duty to notify the Community Development Manager in writing of any pending criminal charge, and any criminal conviction or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana; the MMMA; the MMFLA; any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of Marihuana by the Applicant or Permit Holder, or any owner, principal officer, director, manager, or employee of the Applicant or Permit Holder, within ten (10) days of the event.
- (h) Applications for new Permits where no building is as yet in existence. Any Applicant for a Commercial Medical Marihuana Facility Permit whose building is not yet in existence at the time of the City's initial approval shall have one year immediately following the date of the City's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules, or regulations, and to commence business operations.
- (i) Duty to Supplement. If, at any time before or after a Permit is issued pursuant to this Chapter, any information required in the Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- (j) Permit Forfeiture. In the event that a Commercial Medical Marihuana Facility does not commence operations within one (1) year of issuance of a Permit, the Permit shall be deemed forfeited; the Facility may not commence operations and the Permit is not eligible for renewal.

Sec. 9.5-44. - Operational Requirements – Commercial Medical Marihuana Facilities.

A Commercial Medical Marihuana Facility issued a Permit under this Chapter and operating in the City shall at all times comply with the following operational requirements, which the City Council may review and amend from time to time as it determines reasonable.

- (a) *Scope of Operation.* Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, fire, and health departments. The Facility must hold a valid unexpired Permit and License for the type of Commercial Medical Marihuana Facility intended to be carried out within the Permitted Premises on the Permitted Property. The Facility operator, owner, Permit Holder, or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
- (b) *Required Documentation.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No Person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
- (c) *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder of the Facility shall not exceed that amount permitted by the License or the Permit.
- (d) *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, harvesting, or testing of Marihuana are located.
- (e) *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of marihuana, and any other related activity permitted under the permit holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of odors by maintaining and operating an air filtration system so that odors do not unreasonably impose or create a nuisance to neighboring property occupants.
- (f) *Transportation.* Marihuana may be transported by a Secure Transporter within the City under this Chapter, and to effectuate its purpose, only:
 - (1) By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
 - (2) In a manner consistent with all applicable state laws and rules, as amended; and
 - (3) In a secure manner designed to prevent the loss of the Marihuana.
 - (4) No vehicle used for the transportation or delivery of Marihuana under this Chapter shall have for markings the words "Marihuana," "cannabis," or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation, or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.

- (5) No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- (g) Additional Conditions. The Community Development Manager 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 Chapter and applicable law.

Sec. 9.5-45. - 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, violations of this Chapter shall be subject to the following.

- (a) Violations of the provisions of this Chapter or failure to comply with any of the requirements of this Chapter shall be subject to and found responsible for a municipal civil infraction. The fine for any municipal civil infraction shall be one thousand dollars (\$1,000.00) 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.
- (b) Increased civil fines shall be imposed for repeated violations of any requirement of this Chapter. As used in this subsection, the term “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed within any six (6) month period and found to be responsible. The increased fine for a repeat offense shall be as follows:
 - (1) The fine for any offense which is a first repeat offense shall be two thousand five hundred dollars (\$2,500).
 - (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be five thousand dollars (\$5,000).
- (c) Revocation.
 - (1) A Permit issued under this Chapter may be denied, limited, revoked, or restricted under any of the following conditions:
 - (i) Any fraudulent, false, misleading, or material misrepresentation contained in the Application;
 - (ii) Repeat violations of any requirements of this Chapter or other applicable law, rule, or regulation (as used in this subsection, the term “repeat offense” means a second or any subsequent misdemeanor violation or civil infraction of the same requirement or provision committed within any six (6) month period and upon conviction or responsibility thereof);

- (iii) A valid License is not maintained as required by this Chapter; or
 - (iv) The Permit Holder or any designee of the Permit Holder failed to timely submit any document or failed to timely make any material disclosure as required by this Chapter.
- (2) If a Permit is revoked, limited, or restricted under this Chapter, the Community Development Manager shall issue a notice stating the revocation, limitation, or restriction including the reason for the action and providing a date and time for an evidentiary hearing before the City Council.
- (d) The owner of record or tenant of any building, structure, or premises, or part thereof, and any architect, builder, contractor, agent, or Person who commits, participates in, assists in, or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and fines provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
 - (e) In addition to any other remedies, the City may institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Chapter. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Chapter.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: Fritz, Dora, Cummins and Monetza
 NAYS: Scott
 ABSTAIN: NONE
 ABSENT: NONE

Approved: March 2, 2020

CERTIFICATION

I certify this true and complete copy of Ordinance No. 20-04 adopted at a Regular Meeting of the Grand Haven City Council held on March 2, 2020.

A handwritten signature in blue ink that reads "Linda L. Browand". The signature is written in a cursive style and is positioned above a horizontal line.

Linda L. Browand, City Clerk

Introduced: February 3, 2020
Adopted: March 2, 2020
Published: March 10, 2020
Effective: March 22, 2020

**CITY OF GRAND HAVEN
OTTAWA COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 40-201.07, 40-201.16, 40-201.19, 40-402.01, 40-411.02.B., 40-413.02.B., 40-413.03, 40-414.02.B., 40-415.02.B., 40-416.02.B., 40-417.02.B., 40-418.02.B., 40-419.02.B., 40-420.02.B. AND ADD SECTION 40-543a OF THE GRAND HAVEN ZONING ORDINANCE TO REGULATE MEDICAL MARIHUANA FACILITIES

The City of Grand Haven Ordains:

Section 1. Addition. Sections 40-201.07, 40-201.16, 40-201.19 of the Grand Haven Zoning Ordinance are amended to add the following definitions in alphabetical order:

Sec. 40-201.07. – “G”

Grower: A state operating licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*

Sec. 40-201.16. – “P”

Processor: A state operating licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*

Provisioning Center: A state operating licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* Provisioning center includes 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 Michigan Department of Licensing and Regulatory Affairs (LARA) marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this article.

Sec. 40-201.19. – “S”

Safety compliance facility: A state operating licensee that is a commercial entity that receives marihuana from a facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the facility pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*

Secure transporter: A state operating licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*

Section 2. Addition. Sections 40-402.01 of the Grand Haven Zoning Ordinance are amended to add the following categories to be inserted in the table in alphabetical order where appropriate:

Sec. 40-402.01. - Table of land uses.

	SFR	MDR	MFR	DR	NS	S	E	OT	NMU	OS	CB	C	B	WF	WF-2	CC	TI	I
Grower																	S	S
Processor																	S	S
Provisioning center									S		S	S	S	S*	S	S	S	S
Safety compliance facility																	S	S
Secure transporter													S				S	S

Section 3. Addition. Sections 40-411.02.B., 40-413.02.B., 40-413.03, 40-414.02.B., 40-415.02.B., 40-416.02.B, 40-417.02.B., 40-418.02.B., 40-419.02.B., 40-420.02.B. of the Grand Haven Zoning Ordinance are amended to add the following uses:

40-411.02.B. – District Summary

- Provisioning Center, subject to [section] 40-543a

40-413.02.B. – District Summary

- Provisioning Center (A), subject to [section] 40-543a

40-413.03. – Notes

- A. On the first floor of buildings facing Washington between Harbor Drive and Third Street, professional service establishments and office buildings are permitted, and provisioning centers are permitted by special use, provided:
 1. Professional service establishments, office uses, and provisioning centers shall not front Washington Avenue;
 2. Professional service establishments, office uses, and provisioning centers may occupy a maximum of 60% of the net usable area of the first floor of the building;
 3. Signage, advertising, and displays on the Washington Avenue building frontage for a professional service establishment, office use, or provisioning center shall be limited to the name of the business and location of its entrance, and shall be included in the permitted area of signage for the building frontage.

40-414.02.B. – District Summary

- Provisioning Center, subject to [section] 40-543a

40-415.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

40-416.02.B. – District Summary

- Provisioning center in Key Street Segments only as defined by Section 40-316 and subject to [section] 40-543a

40-417.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a

40-418.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a

40-419.02.B. – District Summary

- Grower, subject to [section] 40-543a
- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

40-420.02.B. – District Summary

- Grower, subject to [section] 40-543a
- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

Section 4. Addition. Section 40-543a of the Grand Haven Zoning Ordinance is hereby added to read:

Sec. 40-543a. – Medical Marihuana Facility

A. *Definition*. A location at which a state operating licensee is licensed to operate under the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* which encompasses a grower, processor, provisioning center, safety compliance facility, and secure transporter as defined in this Ordinance.

B. *Regulations and conditions*.

1. An applicant must obtain a lottery position from the City of Grand Haven prior to submitting a special use application.
2. An applicant must demonstrate that they have been pre-qualified for a medical marihuana state operating license from the State of Michigan.
3. Buffers from sensitive land uses as described in this subsection.
 - a. There shall be a minimum separation distance of one thousand (1,000) linear feet from K-12 schools and libraries.

- b. There shall be a minimum separation distance of five-hundred (500) linear feet from the following land uses:
 - a. Parks or parkland.
 - b. Places of public assembly specifically for worship purposes.
 - c. State-licensed day care facilities, including commercial day care, day care facility, and group day care.
 - d. State-licensed substance use disorder programs
- c. Buffers shall generally be measured from the nearest lot line of the lot proposed for the medical marihuana facility to the nearest lot line of any of the above sensitive land uses.
- d. If a medical marihuana facility is located in compliance with all applicable minimum separation distances and then a sensitive land use is subsequently located within any applicable minimum separation distance, the medical marihuana facility is not thereby rendered non-compliant with this subsection 3.
- 4. Hours of operation are limited to 7am to 9pm daily.
- 5. The minimum number of off-street parking spaces shall be as follows:
 - a. Provisioning center: One (1) space per One hundred fifty (150) square feet GFA.
 - b. Grower: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - c. Processor: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - d. Secure transporter: Five (5) spaces plus one (1) per employee on the two (2) largest shifts.
 - e. Safety compliance facility: One (1) space per employee of the largest shift plus five (5) visitor spaces.
- 6. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the Planning Commission, but shall not be less than the requirements of Article VIII Landscaping.
- 7. Outdoor storage of materials, substances, products or component parts is not permitted.
- 8. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
- 9. The applicant must obtain an annual Medical Marijuana Facilities Permit from the City of Grand Haven to maintain the special use permit.

Section 5. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS:	<u>Fritz, Cummins, Dora and Monetza</u>
NAYS:	<u>Scott</u>
ABSTAIN:	<u>NONE</u>
ABSENT:	<u>NONE</u>

CERTIFICATION

I certify this true and complete copy of Ordinance No. 20-03 adopted at a Regular Meeting of the Grand Haven City Council held on February 17, 2020.

A handwritten signature in black ink, reading "Linda L. Browand", is written over a horizontal line.

Linda L. Browand, City Clerk

Introduced: February 3, 2020
Adopted: February 17, 2020
Published: March 2, 2020
Effective: March 8, 2020