

**AN ORDINANCE TO ALLOW ADULT USE OF MARIHUANA
IN THE CITY OF STANTON**

*For the City of Stanton Planning Commission
Public Hearing November 4, 2020*

ORDINANCE No. _____

SECTION 1. Chapter 15B, Adult Use of Marihuana, is hereby added to the City of Stanton Zoning Ordinance to read as follows:

15B.01 APPLICABILITY

This chapter applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City

15B.02 PURPOSE

This chapter is intended to provide for the regulation of commercial adult use marihuana establishments and licenses; to establish procedures for application for adult use marihuana establishments and licenses; to establish procedures for review of adult use marihuana establishments and licenses; to establish operational, land use, and zoning requirements for adult use marihuana establishments and licenses; to protect the public health, safety, and welfare of the City of Stanton, its residents, its neighborhoods, and property owners; to set fees for the purpose of defraying costs associated with the implementation and enforcement of the provisions of this chapter; to declare this chapter to be for a public purpose; and to provide penalties for violations of this chapter.

15B.03 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply except where the context clearly indicates or requires a different meaning:

- a) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA), shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.
- b) Any term defined by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA), shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- c) Any term defined by the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended (MTA) shall have the definition given in the Marihuana Tracking Act.
- d) “Agency” means the Michigan marihuana regulatory agency.
- e) “Acts” refers to the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 to 333.27801, and the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, when applicable.
- f) “Common ownership” means two or more state licenses or two or more equivalent licenses held by one person under the Michigan Regulation and Taxation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- g) “Cultivate” means to propagate, breed, grow, harvest, dry cure, or separate parts of the marihuana plant by manual or mechanical means.

- h) "Department" means the Department of licensing and regulatory affairs (LARA).
- i) "Equivalent licenses" means any of the following held by a person:
 - (1) A marihuana Grower license of any class issued under the Michigan Regulation and Taxation of Marihuana Act and a Grower license, of any class, issued under the Medical Marihuana Facilities Licensing Act.
 - (2) A marihuana Processor license issued under the Michigan Regulation and Taxation of Marihuana Act and a Processor license issued under the Medical Marihuana Facilities Licensing Act.
 - (3) A marihuana Retailer license issued under the Michigan Regulation and Taxation of Marihuana Act and a Provisioning Center license issued under the Medical Marihuana Facilities Licensing Act.
 - (4) A marihuana Secure Transporter license issued under the Michigan Regulation and Taxation of Marihuana Act and a Secure Transporter license issued under the Medical Marihuana Facilities Licensing Act.
 - (5) A marihuana Safety Compliance Facility license issued under the Michigan Regulation and Taxation of Marihuana Act and a Safety Compliance Facility license issued under the Medical Marihuana Facilities Licensing Act.
- j) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, and as defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
- k) "Licensee" means a person holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., or the * Marihuana Establishments Licensing Act, MCL 333.27101 et seq.
- l) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For the purposes of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., marihuana does not include:
 - (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - (2) Industrial hemp; or
 - (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- m) "Marihuana business" means a marihuana facility under the medical marihuana facilities licensing act, or a marihuana establishment under the Michigan regulation and taxation of marihuana act, or both.
- n) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- o) "Marihuana customer" means a registered qualifying patient under the medical marihuana facilities licensing act, a registered primary caregiver under the medical marihuana facilities licensing act, or an individual 21 years of age or older under the Michigan regulation and taxation of marihuana act, or all three.
- p) "Marihuana establishment" means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- q) "Marihuana facility" means a location at which a licensee is licensed to operate under the medical marihuana facilities licensing act.

- r) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- s) "Marihuana infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- t) "Marihuana microbusiness" means a person, licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.
- u) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- v) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- w) "Marihuana Sales Location" means a provisioning center licensed under the Michigan Medical Marihuana Facilities Licensing Act or a marihuana retailer licensed under the Michigan Regulation and Taxation of Marihuana Act or both.
- x) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- y) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- z) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- aa) "Medical marihuana establishments licensing act" means the Medical marihuana establishments licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- bb) "Park" means an area of land designated by the City as a park on its Master Land Use Plan, Five-Year Community Parks and Recreation Plan, or on a City Council approved list of City Parks.
- cc) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- dd) "Public playground" means an outdoor establishment, open to the public and on public property and containing playground equipment including but not limited to slides, climbers, seesaws, swings, or swimming pool designed for the recreational use by children and owned and operated by a local unit of government, school district, or other unit or agency of government.
- ee) "Rules" means rules promulgated under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 by the department of Licensing and Regulatory Affairs to establish rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended.
- ff) "Same location" means separate marihuana licenses that are issued to multiple marihuana businesses that are authorized to operate at a single property but with separate business suites, partitions, or addresses.
- gg) "School" means and includes buildings and facilities used for school purposes for children and youth in grades pre-kindergarten through 12, and Head Start and buildings used for intermediate school district instruction when that instruction or purpose is provided by a public, private, denominational, or parochial school.
- hh) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

15B.04 AUTHORIZATION OF FACILITIES AND FEE

- a) A marihuana establishment as defined herein may be authorized within the City of Stanton only upon approval as a special land use, according to the requirements and procedures of Chapter 14 except that the Stanton City Council shall make a final decision on a request for a special land use for a marihuana establishment following a recommendation from the City of Stanton Planning Commission.
- b) A marihuana establishment shall not operate within the City of Stanton without first having been approved for a license from the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- c) The number of grower facilities, processor facilities, secure transporter facilities, and safety compliance facilities that may be approved for operation within the City of Stanton shall not be limited.
- d) No more than two marijuana sales locations as defined herein shall be allowed to operate at any one time in the City of Stanton.
- e) No more than two microbusiness establishments shall be allowed to operate in the I, Industrial District at any one time and no more than two microbusiness establishments shall be allowed to operate in the C-2, General Business District at any one time.
- f) A Designated Consumption Establishment as defined in the rules promulgated by the Michigan Department of Licensing and Regulatory Affairs for marihuana operations is prohibited in the City of Stanton.
- g) Any event for which a Temporary Marihuana Event License is required by the Michigan Department of Licensing and Regulatory Affairs is prohibited in the City of Stanton.
- h) A nonrefundable fee shall be paid annually by each marihuana establishment authorized within the City of Stanton in the amount not to exceed \$5,000.00 as set by resolution of the Stanton City Council. The fee shall be required for each license proposed for each establishment approved by the City of Stanton. This fee shall in the first instance be paid by the applicant upon the issuance of a license from the State of Michigan to operate a marihuana establishment in the City of Stanton. Thereafter, the fee shall be paid annually to the City of Stanton no later than January 31st each year. Failure to pay this fee by the due date may result in the revocation of the special use permit by the City Council following a public hearing.

15B.05 DEVELOPMENT REQUIREMENTS

- a) Marihuana establishments as defined herein are permitted with special land use approval in the following zoning districts:
 - 1) Marihuana Grower establishments are permitted only in the I, Industrial District.
 - 2) Marihuana Processor establishments are permitted only in the I, Industrial District.
 - 3) Marihuana Retailer establishments are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
 - 4) Marihuana Secure Transporter establishments are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.

- 5) Marihuana Safety Compliance establishments are permitted only in the C-2, General Commercial District and the I, Industrial District.
- 6) Marihuana Microbusiness establishments are permitted only in the I, Industrial District and the C-2, General Business District.
- 7) A marihuana establishment permitted as a special land use in the C-1, Central Business District shall not be allowed as a permitted use by right in the C-2, General Business Zoning District, but shall be subject to special land use approval in the C-2, General Business Zoning District.

b) The following development regulations shall apply to all marihuana establishments:

- 1) Any marihuana establishment approved as a special land use in any zoning district shall be subject to all requirements for uses in that zoning district, and shall be subject to all other applicable regulations including but not limited to requirements for accessory buildings and uses; landscaping; screening; lighting; access; and signs. Parking shall be as required by Chapter 17 of the City of Stanton Zoning Ordinance, with the exception that all parking for a marihuana establishment shall be subject to Section 15B.05 (d) herein.
- 2) Where the regulations of this Chapter 15B shall conflict with any other regulations of the City of Stanton Zoning Ordinance, or shall be more restrictive than the requirements of any other regulations for the City of Stanton, the regulations of this Chapter 15B shall apply.
- 3) Any marihuana establishment approved as a special land use shall be subject to all requirements for review and the standards for approval according to Chapter 14 Special Land Uses.
- 4) Marihuana establishments may be permitted in a structure that contains multiple tenants, provided the marihuana establishment is approved as a special land use; meets all applicable occupancy restrictions; and that the marihuana establishment meets all requirements Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to security. Marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling.
- 5) Operations at the same location and equivalent licenses shall be regulated as follows:
 - i. Any combination of marihuana establishments may operate as separate marihuana establishments at the same location, provided the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to requirements for partitioned establishments, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations.
 - ii. Each marihuana establishment operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. Each marihuana establishment specific to the marihuana license shall have distinct and identifiable areas with designated structures that are on the same parcel or contiguous parcels. A licensed Retailer operating at the same location with any other licensed marihuana establishment shall have retail entrances and exits clearly identified.

- iii. A licensee that has any combination of marihuana licenses may operate separate marihuana businesses at the same location, provided each business is permitted in the zoning district in which the marihuana business is proposed. A stacked license is considered a single marihuana business for the purposes of operation at the same location; however, a stacked license shall not be considered a single marihuana establishment for the purposes of the annual fee required to be paid to the City of Stanton.
- iv. A marihuana Grower, marihuana Processor, and a marihuana Retailer shall not be prohibited from operating within a single facility but shall be partitioned from any other marihuana establishment, activity, or business
- v. A laboratory licensed as a marihuana Safety Compliance Facility establishment may be co-located with an existing accredited laboratory that is not a licensed Safety Compliance Facility establishment with approval by the Agency according to criteria required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- vi. A marihuana Grower establishment, marihuana Processor establishment, and a marihuana Retailer establishment shall not be prohibited from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).
- vii. A person who holds equivalent licenses with common ownership as defined herein, may operate those equivalent licenses at the same location, according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, and in accordance with this Chapter 15B.
- viii. A licensee with common ownership of a marihuana Retailer and a medical marihuana Provisioning Center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from adult-use marihuana products.
- ix. A person who holds equivalent licenses with common ownership under the Acts, and operates at the same location, is not required to have any of the following:
 - 1. Separate business suites, partitions, or addresses.
 - 2. Separate entrances and exits.
 - 3. Distinct and identifiable areas with designated structures that are contiguous and specific to the state license and the state operating license.
 - 4. Separate point of sale area and operations.
- x. One or more owners may own marihuana establishments at the same location; one or more licensees may be licensed to operate marihuana establishments at the same location.

6) No marihuana Retailer shall be located within another business.

c) Location and Buffering Requirements from Schools

- 1) A marihuana establishment shall not be located within 1000 feet of an operational school as defined herein whether the school is located in the City or outside the City.

- 2) For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured along a horizontal straight line between the closest points of parcel upon which the marihuana establishment is proposed, to the parcel upon which the school is located.
- 3) For marihuana Retailer establishments located within a multi-tenant commercial retail structure or center, the distance to a buffered school use shall be measured from the closest boundary line of the occupied property of the marihuana Retailer establishment to the closest parcel or boundary line of the occupied property of the buffered school use. Property for a multi-tenant retail structure shall not include the parking area of the structure.

d) Distance Between Marihuana Establishments

- 1) A marihuana Retailer establishment shall not be located within 100 feet of another marihuana Retailer establishments or a marihuana Secure Transport establishment.
 - 2) A marihuana Secure Transport establishment shall not be located within 100 feet of another marihuana Secure Transport establishment or a marihuana Retailer establishment.
 - 3) For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured along a horizontal straight line between the closest points of parcel upon which the marihuana establishment is proposed to the parcel upon which the other marihuana establishment is located.
 - 4) For marihuana Retailer establishments located within a multi-tenant building, the distance shall be measured from the closest portion of the building occupied by the marihuana Retailer establishment to the closest parcel or boundary line of the occupied property or portion of the building occupied by another marihuana Retailer establishment or marihuana Secure Transport establishment.
- e) Parking. Parking associated with any medical marihuana facility shall be on the same lot or parcel as the facility, or on a contiguous lot under the same ownership or control as the owner of the lot or parcel on which the marihuana establishment is located, and shall not be permitted to be on a non-contiguous lot.

15B.06 OPERATIONAL REQUIREMENTS

- a) Operational requirements for a marihuana **Retailer** shall be as follows:
- 1) Every marihuana Retailer shall be located in an enclosed building.
 - 2) A marihuana Retailer shall not operate between the hours of 10:00 P.M. and 7:00 A.M.
 - 3) The licensee of a marihuana Retailer is authorized by the State of Michigan to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana products to marihuana establishments and to individuals who are 21 years of age or older. All transfers of marihuana to or from a separate marihuana establishment shall be by means of a marihuana Secure Transporter.
 - 4) A transfer of marihuana to a marihuana Retailer from a marihuana establishment that occupies the same location as the marihuana retailer does not require a marihuana secure transporter if the marihuana is transferred to the marihuana retailer using only private real property without accessing public roadways.
 - 5) A licensee who holds two or more marihuana Retailer licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana Retailer establishments. The transferred marihuana product must be entered and tracked in the statewide monitoring system.

- 6) A marihuana Retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product to customers. The marihuana Retailer shall keep marihuana products behind a counter or other barrier to ensure that customers do not have direct access to the marihuana products.
- 7) Access to point of sale areas in a marihuana establishment is restricted to persons age 21 or over. Where equivalent licenses are held in common ownership for a marihuana Retailer establishment and a medical marihuana Provisioning Center facility, and which operate in the same location within a business space that is not partitioned, access is limited to customers age 18 or older.
- 8) All marihuana storage areas within marihuana Retailers shall be separated from any customer areas by a permanent barrier. No marihuana is permitted to be stored in an area accessible by customers or the general public.
- 9) Any marihuana remaining on the premises of a marihuana Retailer while the Retailer is not in operation shall be secured in a locked area in the interior of the premises.
- 10) The premises of a marihuana Retailer shall be open for inspection by authorized persons during the stated hours of operation and at such other times as anyone is present on the premises.
- 11) No licensed marihuana Retailer shall place or maintain, or cause to be placed or maintained, any advertisement of marihuana in any form or through any medium within the distance to buffered uses as set forth in Section 15B.05 (c), with the exception that a marihuana Retailer may establish signs in compliance with the requirements of Chapter 18 which regulates signs in the City of Stanton, and in compliance with Section 15B.07 (p) herein.
- 12) A marihuana Retailer may employ an individual to engage in the delivery of a marihuana product for sale or transfer to an individual 21 years of age or older at a residential address or at the address of a designated consumption establishment provided at the time the order is placed.
- 13) A marihuana Retailer may accept an online order request of a marihuana product and payment for the order that will be delivered only to the physical residence of an individual 21 years of age or older or at the address of a designated consumption establishment provided by an individual 21 years of age or older.
 - b) Operational requirements for a marihuana **Grower Establishment** shall be as follows:
 - 1) A Grower license authorizes the Grower to perform the following:
 - i. To cultivate not more than the numbers of marihuana plants as authorized under Class A (100 plants), Class B (500 plants), or Class C (2,000 plants) licenses;
 - ii. To sell or otherwise transfer marihuana to marihuana establishments;
 - iii. To sell or otherwise transfer marihuana plants to a marihuana Grower by means of a marihuana Secure Transporter;
 - iv. To sell or otherwise transfer marihuana without using a secure transporter to a marihuana Processor or marihuana Retailer if the following are both met:
 - a. The marihuana processor or marihuana retailer occupies the same location as the marihuana Grower and the marihuana is transferred using only private real property without accessing public roadways;
 - b. The marihuana Grower enters each transfer into the statewide monitoring system.

- v. A marihuana Grower is permitted to sell or otherwise transfer marihuana seeds, seedlings, tissue cultures, or immature plants to a marihuana Grower from another marihuana Grower without using a marihuana secure transporter.
 - vi. To transfer marihuana only by means of a Secure Transporter unless otherwise permitted by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA).
- 2) Consumption and/or use of marihuana shall be prohibited at the Grower establishment; the dispensing of marihuana at the Grower establishment shall be prohibited.
 - 3) All Grower activity related to the Grower establishment shall be performed in an enclosed building with the exception that cultivation may occur in an outdoor area if the outdoor area is contiguous with the building, and the outdoor area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye. Outdoor growing areas shall include locked entries only accessible to authorized persons or emergency personnel.
 - 4) That portion of the establishment where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the City of Stanton Public Safety to ensure compliance with the State of Michigan fire codes.
 - 5) Marihuana Grower establishments shall produce no products other than useable marihuana intended for human consumption.
 - 6) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Grower establishment shall be prohibited.
- c) Operational requirements for a medical marihuana **Safety Compliance** establishment shall be as follows:
- 1) A Safety Compliance license authorizes the licensee to perform the following activities without the means of a Secure Transporter:
 - i. Take marihuana from, test marihuana for, and return marihuana to only a licensed marihuana establishment.
 - ii. Perform tests to certify that the marihuana is reasonably free of known contaminants in compliance with the standards established by the agency.
 - iii. A Safety Compliance Facility establishment license authorizes the licensee to collect a random sample of marihuana at the marihuana establishment of a marihuana Grower, marihuana Processor, marihuana Retailer, or marihuana Microbusiness for testing.
 - 2) A Safety Compliance Facility establishment shall become fully accredited by an entity approved by the Marihuana Regulatory Agency of the State of Michigan within one year after the date the license is issued, or have previously provided drug testing services to the State of Michigan or the State of Michigan court services and is a vendor in good standing.
 - 3) The applicant and each investor with any interest in the marihuana Safety Compliance Facility establishment shall not have an interest in the marihuana establishment of a marihuana Grower, marihuana Secure Transporter, marihuana Processor, or marihuana Retailer establishment.
 - 4) A Safety Compliance Facility establishment shall have a secured laboratory space that cannot be accessed by the general public, and shall retain at least one laboratory manager with a relevant advanced degree in a medical or laboratory science.

- 5) All Safety Compliance activity related to the Safety Compliance Facility establishment shall be performed in an enclosed building.
- 6) All marihuana shall be contained within the building in an enclosed, locked establishment.
- 7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Safety Compliance Facility establishment shall be prohibited.

d) Operational requirements for a marihuana **Processor** establishment shall be as follows:

- 1) A Processor license authorizes the licensee to purchase or transfer marihuana or marihuana-infused products from only a licensed marihuana establishment; process and package marihuana; and authorizes the sale or otherwise transfer of marihuana or marihuana-infused products to only a licensed marihuana establishment.
- 2) A Processor license authorizes the Processor to transfer marihuana only by means of a Secure Transporter.
- 3) A Processor license authorizes the licensee to sell or otherwise transfer marihuana without using a secure transporter to a marihuana Processor or marihuana Retailer if the following are both met:
 - i. The marihuana Grower, marihuana Processor, or marihuana Retailer occupies the same location as the marihuana Processor and the marihuana is transferred using only private real property without accessing public roadways;
 - ii. The marihuana Processor enters each transfer into the statewide monitoring system.
- 4) A licensee who holds two or more marihuana processor licenses with common ownership at different establishments may transfer marihuana product inventory between the licensed marihuana processor establishments. The transferred marihuana product must be entered and tracked in the statewide monitoring system.
- 5) All Processor activity related to the marihuana Processor establishment shall be performed in an enclosed building.
- 6) All marihuana shall be contained within the building in an enclosed, locked facility.
- 7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Processor establishment shall be prohibited.
- 8) All marihuana Processors shall have an employee who is certified as a Food Protection Manager.
- 9) All marihuana Processors shall be certified by one of the following, as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules:
 - i. The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1, or
 - ii. the FDA Food Safety Modernization Act, 21 USC 2201 to 2252
- 10) All medical marihuana processors shall comply with all requirements of the Montcalm County Health Department Sanitary Code regarding food service establishments, and the Michigan Food law, Act 92 of 2000 as amended, as applicable.

e) Operational requirements for a medical marihuana **Secure Transporter** establishment shall be as follows

- 1) A Secure Transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana establishments for a fee upon request of a person with legal custody of that marihuana or money. The Secure Transporter license does not authorize the transport of marihuana to a registered qualifying patient or registered primary caregiver as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended.
- 2) If a marihuana Secure Transporter establishment has its primary place of business in a municipality that has not adopted an ordinance prohibiting marihuana establishments, the marihuana Secure Transporter may travel through any municipality.
- 3) The applicant and each investor with any interest in the marihuana Secure Transporter establishment shall not have an interest in a marihuana Grower, Processor, Retailer, or Safety Compliance establishment, and shall not hold title to marihuana.
- 4) Each driver transporting marihuana shall have a chauffeur's license as issued by the State of Michigan. Each vehicle transporting marihuana shall be operated by a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana. A route plan and a manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
- 5) The marihuana and any money associated with the purchase or sale of marihuana product shall be transported in one or more sealed, locked containers and not be accessible while in transit.
- 6) A Secure Transporter vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.
- 7) A marihuana Secure Transporter establishment shall have a primary place of business, and shall store its vehicles at its primary place of business. However, a marihuana Secure Transporter vehicle may be stored in a location that is not the primary place of business of the Secure Transporter if the vehicle does not contain marihuana products and the address of storage is reported to the agency in the licensee's staffing plan and business plan.
- 8) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with this chapter, and with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- 9) All Secure Transporter activity shall be performed in an enclosed building with the exception of driving and the loading and unloading of marihuana which may take place on a private portion of the Secure Transporter establishment outside the Secure Transporter establishment building.
- 10) Loading and unloading of Secure Transporter vehicles with marihuana may take place on a private, unenclosed portion of any marihuana establishment, provided any area of loading and unloading is under video surveillance as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules. In no case shall loading and unloading take place in a public place or street, or private place or street which is not under the ownership and control of the licensed marihuana establishment.
- 11) All marihuana stored at the Secure Transporter establishment shall be contained within the building in an enclosed, locked facility. The timeframe for the secure transporter to maintain custody of the

marihuana product shall not be more than 96 hours or by permission of the Department of Licensing Regulatory Affairs of the State of Michigan on a case-by-case basis.

12) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the establishment as a marihuana Secure Transporter establishment shall be prohibited.

f) Operational requirements for a marihuana **Microbusiness** establishment shall be as follows:

- 1) A marihuana Microbusiness establishment license authorizes the licensee to cultivate not more than 150 plants. Only mature marihuana plants are included in the plant count.
- 2) A marihuana Microbusiness establishment license authorizes the licensee to engage in the processing and packaging of marihuana.
- 3) A marihuana Microbusiness establishment license authorizes the licensee to engage in the retail sale or transfer of marihuana to only individuals 21 years of age or older, but not to other marihuana establishments.
- 4) A marihuana Microbusiness establishment license authorizes the licensee to transfer marihuana to a marihuana Safety Compliance Facility establishment for testing.
- 5) A marihuana Microbusiness license authorizes a marihuana Microbusiness to transfer marihuana from the marihuana Grower area to the marihuana Processor and marihuana Retailer areas of the marihuana Microbusiness and from the marihuana Processor area to the marihuana Grower and marihuana Retailer areas of the marihuana Microbusiness without using a marihuana Secure Transporter if all areas of the marihuana Microbusiness enter each transfer between different areas of the marihuana Microbusiness into the statewide monitoring system. In no case shall transfer of Marihuana take place in a public place or street, or private place or street which is not under the ownership and control of the licensed marihuana establishment.
- 6) A licensed marihuana Microbusiness establishment shall not operate at more than one location.
- 7) A marihuana Microbusiness may accept the transfer of marihuana seeds, tissue cultures, and clones that do not meet the definition of marihuana plant in these rules at any time from another licensed Grower; however, the marihuana Microbusiness shall not sell or transfer marihuana seeds, tissue cultures, or clones.
- 8) A marihuana Microbusiness may accept the transfer of marihuana plants only once upon licensure from a registered primary caregiver if the caregiver was an applicant for that marihuana Microbusiness license.
- 9) A marihuana Microbusiness license is subject to all applicable provisions of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules related to a marihuana Grower, marihuana Retailer, and marihuana Processor with the exception that a marihuana Microbusiness is not required to be located in an area zoned for industrial or agricultural uses.

15B.07 OPERATIONAL REGULATIONS THAT APPLY TO ALL MEDICAL MARIHUANA FACILITIES

- a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- b) A marihuana establishment may not cultivate, process, test, or store marihuana other than a physical location approved by the Department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.
- c) A marihuana Grower, marihuana Retailer, Marihuana Processor, marihuana Microbusiness, or marihuana Safety Compliance Facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.
- d) A marihuana establishment shall be partitioned from any other marihuana business or activity, any other business, or any dwelling, except as provided by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, for marihuana operations at the same location.
- e) A marihuana establishment shall have distinct and identifiable areas with designated structures that are contiguous and specific to the marihuana license.
- f) A marihuana establishment shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
- g) Marihuana establishments shall not allow onsite or as part of the marihuana establishment any of the following:
 - 1) Sale, consumption or serving of food except for as provided by Rules as promulgated by the Department of Licensing and Regulatory Affairs;
 - 2) Sale, consumption, or use of alcohol or tobacco products on the premises;
 - 3) Consumption, use, or inhalation of a marihuana product.
- h) Access to areas of the marihuana establishment that are not point of sale areas is restricted to the licensee, employees of the licensee; crew members of a marihuana Secure Transporter establishment; the Department of Licensing and Regulatory Affairs, through its investigators, agents, and auditors; the state police; and law enforcement officials.
- i) No marihuana establishment may allow a person under 21 years of age to volunteer or be employed by the marihuana establishment.
- j) Access to areas of the marihuana establishment shall be provided to any person required to complete an inspection of any portion of the building, structure, or use to ensure compliance with any applicable City of Stanton, Montcalm County, State of Michigan, and federal laws or regulations.
- k) The licensee shall maintain a log tracking all visitors to a marihuana establishment in compliance with the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 to 333.27904. The visitor log must be available at all times for inspection by the Michigan Department of Licensing and Regulatory Affairs, and its investigators, agents, and auditors, or the state police to determine compliance with the act and these rules.
- l) With the exception of staff meetings, employee training, and similar events associated with the operation of the marihuana establishment, no activities such as tours, corporate events, weddings, parties, receptions, or other similar events may occur on the premises of a medical marihuana facility at any time.
- m) The marihuana establishment must be at a fixed location. Mobile marihuana establishments and drive-through, drive-up, or walk-up operations are prohibited.

- n) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana establishment.
- o) Processors, Growers, and Safety Compliance establishments shall implement appropriate exhaust ventilation systems to mitigate noxious gasses or other fumes used or created as part of any production process or operations. Exhaust ventilation equipment must be appropriate for the hazard involved and must comply with City of Stanton fire code and Michigan mechanical codes. No marihuana shall be cultivated, grown, manufactured, processed, tested, or provided in any manner that would emit odors reasonably discernable to another person beyond the interior of the building or occupied portion of the building where the marihuana establishment is located.
- p) All marihuana establishments shall be securely locked, including all interior rooms, windows, and points of entry and exits with commercial-grade, nonresidential door locks as reviewed and approved by the City of Stanton building inspection officials and the City of Stanton public safety officials. Access to a medical marihuana facility shall be only by the licensee or employees as approved by the licensee. An alarm system shall be maintained.
- q) One or more emergency contact persons with phone numbers shall be provided to City of Stanton public safety officials and public safety officials of other jurisdictions if requested by the City of Stanton.
- r) All marihuana establishments shall have a video surveillance system that meets all requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department (LARA) to establish rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- s) Marihuana product that is to be destroyed or is considered waste shall be rendered into an unusable and unrecognizable form and recorded in the State of Michigan statewide monitoring system; destroyed marihuana products or waste shall not be sold; all marihuana waste shall be disposed of according to the requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department (LARA) to establish rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- t) Wastewater generated during the cultivation of marihuana and processing of marihuana products shall be disposed of in compliance with applicable City of Stanton, Montcalm County, State of Michigan, and federal laws and regulations.
- u) All applicable building, electrical, plumbing, mechanical, water, wastewater, and any other applicable permits shall be obtained from the City of Stanton or other applicable governmental authority for any portion of the building or structure in which electrical wiring, lighting, mechanical, plumbing, watering, cultivating, growing, harvesting, testing, processing, and other devices that support any operation associated with the medical marihuana facility are located.
- v) Verification from City of Stanton Public Safety personnel that the facility meets all requirements for fire protection.
- w) Marketing and advertising regulations for all marihuana establishments are as follows:
 - 1) Marihuana facilities shall comply with all City of Stanton municipal ordinances, state law, and administrative Rules regulating signs and advertising.

- 2) A licensee shall not advertise marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, with the exception that a marihuana Retailer establishment may include a sign or signs as regulated by Chapter 18 of the City of Stanton Zoning Ordinance subject to the following:
 - i. No sign shall advertise a specific medical marihuana product, or pricing, or special sale of any medical marihuana product;
 - ii. A sign may include the words “Cannabis” or “Marihuana” or “Medical” and graphics such as leaves but excluding graphics of specific products;
 - iii. A sign may include the name of the establishment.
- 3) Marihuana products shall be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.
- 4) Marihuana products shall not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.
- x) Any medical marihuana facility shall not be operated in an occupied residence.
- y) No marihuana establishment shall be operated in a manner creating noise, dust, vibration, glare, or fumes beyond the boundaries of the property on which the medical marihuana facility is operated; or odors detectable to normal senses beyond the interior of the building or occupied portion of the building where the medical marihuana facility is located; or any other nuisance that hinders the public health, safety, and welfare of the residents of the City of Stanton.
- z) A medical marihuana facility shall be open for inspection by authorized local, state, county, or federal officials at any time during hours of operation and at other times as anyone is present on the premises.
- aa) Any other operational measures requested by the Department of Licensing and Regulatory Affairs (LARA) that are not inconsistent with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.

15B.08 APPLICATION AND PROCESSING PROCEDURES

- a) All applications for special land use approval for a marihuana establishment shall be accompanied by an application fee of \$5,000.
- b) An application for special land use approval for a marihuana establishment shall be in accordance with the application procedures for Special Land Uses as required by Chapter 14 of the City of Stanton Zoning Ordinance, including a site plan prepared according to the requirements of Chapter 13. An application for a special land use permit for a marihuana establishment shall be subject to final approval by the Stanton City Council following a recommendation by the Planning Commission.
- c) A notice for public hearing as required by Section 21.09 shall be additionally sent to all properties within the 1,000 feet distance required for those buffered uses as required by Section 15B.05 (c) (1).
- d) In addition to all application materials as required for a special land use, an application for a marihuana establishment, on a form as approved by the City Council, shall be completed and submitted by the applicant.

- e) The application shall include the following information in addition to any additional information as required by the application form for a marihuana establishment:
- 1) The City of Stanton may request from the applicant a copy of the Entity/Individual Prequalification Application Packet for a state marihuana establishment operating license as required to be submitted to the State of Michigan.
 - 2) A copy of the proposed Business Plan if requested by the Planning Commission.
 - 3) Proof of ownership of the entire premises wherein the marihuana establishment is to be operated; or written consent from the property owner of use of the premises for a marihuana establishment, and a copy of any lease agreement.
 - 4) A Security Plan for the marihuana establishment, prepared as required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules, as amended, including but not limited to any lighting, alarms, barriers, recording or monitoring devices, and security guard arrangements proposed for the facility and its premises. Each marihuana establishment shall have a security guard present during business hours, or alternative security measures by the Planning Commission as a condition of special land use approval.
 - 5) A Marihuana Delivery Plan specifically identifying how the marihuana product will be delivered to the business location, where the delivery will take place at the business location, what methods will be used to ensure the safety of the business and the public during marihuana delivery and when will marihuana product be delivered to the business location.
 - 6) An Outreach Plan which explains how the business intends to provide contact information to the public and how they intend to address public questions and concerns
 - 7) A Blight Elimination Plan which shows how the proposed facility will address any existing blight that exists on the property including:
 - i. Paint chipping or fading
 - ii. Cracked or broken glass
 - iii. Parking surface in good condition without potholes or cracks
 - iv. Fences in good condition
 - v. Dumpster screening
 - vi. Vegetation
 - 8) A Customer Plan which addresses:
 - i. How customers will be let into the building, screened for age and allowed to enter display room
 - ii. Number of customers allowed into building at one time
 - iii. Plan for overflow customers that have to wait to enter building
 - iv. Floor plan showing expected customer flow through building from entrance to exit.
 - 8) A Waste Disposal Plan, indicating how all waste products, including marihuana that is to be destroyed or is considered waste, will be disposed of and prevented from being ingested by humans or animals. In no case shall waste be burned on site, or introduced into the sanitary sewer system or stormwater management system.
 - 9) A professionally prepared scaled drawing of the floor plan of the marihuana establishment including uses of all floor areas, customer flow plan locations of interior and exterior cameras.
 - 10) Elevation drawings of the building proposed to be constructed or renovated which meet the façade requirements of the zoning district in which the facility will be located.
 - 11) Proof of liability insurance.

- 12) A diagram of any proposed text or graphic materials to be shown on the exterior of the proposed marihuana establishment.
 - 13) A location area map showing the distance to all buffered uses as required in Section 15B.05 (c) (1). Each buffered use shall be labeled on the location area map.
 - 14) In the case of an application for a Grower license, chemical and pesticide storage plan that states the names of the pesticides, herbicides, and any other chemicals that will be used in cultivation, and a plan for disposal of unused pesticides, herbicides, and chemicals.
- f) All applications for a special land use for a marihuana establishment shall obtain a building permit for any building utilized as a proposed marihuana establishment, or for a change of occupancy for an existing building to be utilized as a proposed marihuana facility, from the governmental entity having jurisdiction to approve building permits in the City of Stanton under the Stille-DeRossett-Hale single state construction code act, PA 230 of 1972.
- h) Any other information requested by the Planning Commission, the City Council, public safety official, or other municipal official in order to complete the review of the application.

15B.09 STANDARDS FOR APPROVAL.

An approval of a marihuana establishment in the City of Stanton shall only be made when in substantial compliance with the following standards:

- a) The standards for approval for all special land uses in Section 14.03 herein.
- b) The standards for approval of all site plans in Section 13.05 herein.
- c) Compliance with any requirements for public safety as stated in writing by the public safety officials of the City of Stanton, Montcalm County, and the State of Michigan.
- d) Compliance with all requirements and conditions of this Chapter 15B.
- e) Compliance with all applicable requirements of the City of Stanton Codified Ordinances.
- f) Compliance with all requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
- g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

15B.10 VARIANCES

An application for a variance from any requirement of this Chapter or another requirement of the City of Stanton Zoning Ordinance applicable to a marihuana establishment shall be as required by Chapter 20 of the City of Stanton Zoning Ordinance with the exception that a notice for public hearing as required by Section 20.03(c) for a variance for a marihuana establishment shall be additionally sent to all properties within the 1,000 feet buffer distance required by Section 15B.05 (c) (1).

15B.11 CHANGE OF OWNERSHIP, LICENSEE, OR LOCATION

- a) Upon change of ownership of any approved a marihuana establishment, the City Manager shall require the owner and licensee to provide information in writing to demonstrate any physical or operational characteristics that are proposed to be altered under the new owner, or a statement in writing that no physical or operational changes are proposed.
- b) If changes to the approved site plan are proposed, a site plan prepared according to the requirements of Chapter 13 herein shall be submitted that shows any proposed changes to the site plan.

- c) The proposed new owner shall provide proof of licensing by the State of Michigan for the approved marihuana establishment.
- d) The City Manager shall determine whether the change in ownership and any proposed changes in the approved site plan, shall require a public hearing and approval by the City Council as required by Section 15B.08 (c) herein.
- e) The City Manager may, at their discretion, approve the proposed change in ownership, and any changes proposed to the site plan, without a public hearing.
- f) In no case shall an approved a marihuana establishment be approved or used for a different type of marihuana establishment except in accordance with all requirements and procedures of this Chapter 15B.
- g) A change of location of a marihuana establishment after licensure requires a new license according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules. A change of location of a marihuana establishment after licensure, or a change of licensee at a location previously approved as a marihuana establishment, requires application for approval as a special land use by the City of Stanton according to the requirements of this Chapter 15B.

15B.12 VIOLATIONS AND PENALTIES

- a) Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.
- b) A violation of this chapter is a municipal civil infraction and shall be subject to the provisions of Section 21.11 of the Zoning Ordinance of the City of Stanton.

SECTION 2. SEVERABILITY

Sections of this Chapter shall be deemed to be severable, and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Zoning Code as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

SECTION 3. EFFECTIVE DATE

This Ordinance will become effective upon the expiration of seven days after publication. The vote in favor of adoption of this Ordinance was as follows:

YEAS: Commission members: _____

NAYS: Commission members: _____

ABSENT/ABSTAIN: Commission members: _____

Date of Adoption:

Effective Date:

CERTIFICATION

As the Clerk of the City of Stanton, Montcalm County, Michigan, I certify that this is a true and complete copy

of an Ordinance adopted by the City Commission at its regular meeting of _____, held in compliance with the City Charter and applicable state laws.

Respectfully submitted,

Dated: _____,

By _____

Lori Braman City C