

**AN ORDINANCE TO ALLOW MEDICAL MARIHUANA FACILITIES
IN THE CITY OF STANTON**

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

ORDINANCE No. _____

SECTION 1. Chapter 15A, Medical Marihuana Facilities, is hereby added to the Zoning Ordinance of the City of Stanton to read as follows:

15A.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

15A.02 PURPOSE

This chapter is intended to provide for the regulation of medical marihuana facilities; to establish procedures for application for medical marihuana facilities; to establish procedures for review of medical marihuana facilities; to establish operational, land use, and zoning requirements for medical marihuana facilities; 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.

15A.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 Medical Marihuana Act, MCL 333.26421 et seq., as amended (MMMA), shall have the definition given in the Michigan Medical 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) "Grower" means a 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.
- e) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- f) "Marijuana" or "marihuana" means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

- g) "Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- h) "Marihuana plant" means any plant of the species *Cannabis sativa* L.
- i) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.
- j) "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.
- k) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- l) "Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.
- m) "Medical marihuana facilities licensing act" means the Medical marihuana facilities licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- n) "Park" means an area of land designated by the City as a park on its Master land Use Plan or its Five-Year Parks and Recreation Plan.
- o) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- p) "Processor" means a licensee that is a commercial entity located in the state of Michigan 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.
- q) "Provisioning center" means a licensee that is a commercial entity located in Michigan 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. 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 in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this chapter.
- r) "Public playground" means an outdoor facility, 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.
- s) "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 Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- t) "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana 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 marihuana facility.

- u) "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.
- v) "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

15A.04 AUTHORIZATION OF FACILITIES AND FEE

- a) A medical marihuana facility 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 medical marihuana facility following a recommendation from the City of Stanton Planning Commission.
- b) No medical marihuana facility may operate within the City of Stanton without first having been approved for a license from the State of Michigan pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).
- 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) A nonrefundable fee shall be paid annually by each marihuana facility authorized within the City of Stanton in the amount not to exceed \$5,000.00 as set by resolution of the Stanton City Council. 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 medical marihuana facility 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.

15A.05 DEVELOPMENT REQUIREMENTS

- a) Medical marihuana facilities as defined herein are permitted with special land use approval in the following zoning districts:
 - 1) Grower facilities are permitted only in the I, Industrial District.
 - 2) Processor facilities are permitted only in the I, Industrial District.
 - 3) Provisioning Center facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
 - 4) Secure Transporter facilities are permitted only in the C-1, Central Business District; the C-2, General Commercial District; and the I, Industrial District.
 - 5) Safety Compliance facilities are permitted only in the C-2, General Commercial District; and the I, Industrial District.
 - 6) A medical marihuana facility 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.
 - 7) Parking shall be as required by Chapter 17 of the City of Stanton Zoning Ordinance, with the exception that all parking for a medical marihuana facility shall be subject to Section 15A.05 (d) herein.

- 8) Landscaping shall be as required by Chapter 16 of the City of Stanton Zoning Ordinance.
- 9) Exterior lighting shall be as required by Section 3.26 and Section 17.03 of the City of Stanton Zoning Ordinance with the exception that any additional or alternate lighting as recommended by the City of Stanton Public Safety Director shall be provided.
- 10) Signs shall be as regulated by Chapter 18 of the City of Stanton Zoning Ordinance with the exception that where the regulations of this Chapter 15A shall conflict with any other regulations for signs of the City of Stanton, or shall be more restrictive than the requirements of any other regulations for signs of the City of Stanton, the regulations of this Chapter 15A shall apply.

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

- 1) Any medical marihuana facility 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. Where the regulations of this Chapter 15A 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 15A shall apply.
- 2) Any medical marihuana facility 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.
- 3) Medical marihuana facilities may be permitted in a structure that contains multiple tenants, provided the medical marihuana use is approved as a special land use; meets all applicable occupancy restrictions; and that the medical marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to security. Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling.
- 4) Any combination of medical marihuana facilities may operate as separate marihuana facilities at the same location, provided the marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including but not limited to requirements for partitioned facilities, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations. Each marihuana facility operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. A licensed Provisioning Center operating at the same location with any other licensed medical marihuana facility shall have retail entrances and exits clearly identified.
- 5) One or more owners may own medical marihuana facilities at the same location; one or more licensees may be licensed to operate medical marihuana facilities at the same location.
- 6) A medical marihuana Provisioning Center shall not be located within another business.

c) Location and Buffering Requirements from Schools

- 1) A medical marihuana facility 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 medical marihuana facility is proposed, to the parcel upon which the school is located.
- 3) For Provisioning Centers 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 Provisioning Center to the closest parcel or boundary line of the occupied property of the buffered school use.

d) Distance Between Medical Marihuana Facilities

- 1) A Provisioning Center shall not be located within 100 feet of another Provisioning Center or a Secure Transport facility.
 - 2) A Secure Transport facility shall not be located within 100 feet of another Secure Transport facility or a Provisioning Center.
 - 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 medical marihuana facility is proposed to the parcel upon which the other medical marihuana facility is located.
 - 4) For Provisioning Centers located within a multi-tenant building, the distance shall be measured from the closest portion of the building occupied by the Provisioning Center to the closest parcel or boundary line of the occupied property or portion of the building occupied by another Provisioning Center or Secure Transport facility.
- 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 medical marihuana facility is located, and shall not be permitted to be on a non-contiguous lot.

15A.06 OPERATIONAL REQUIREMENTS

a) Operational requirements for a medical marihuana **Provisioning Center** shall be as follows:

- 1) Every medical marihuana Provisioning Center shall be located in an enclosed building.
- 2) A medical marihuana Provisioning Center shall not operate between the hours of 10:00 P.M. and 7:00 A.M.
- 3) The licensee of a Provisioning Center is authorized by the State of Michigan to purchase or transfer marihuana only from a Grower or Processor to only a registered qualifying patient or registered primary caregiver. All transfers of marihuana to a Provisioning Center from a separate marihuana facility shall be by means of a Secure Transporter.
- 4) The licensee of a Provisioning Center is authorized by the State of Michigan to transfer marihuana to or from a Safety Compliance facility for testing only by means of a Secure Transporter.
- 5) A Provisioning Center shall not allow a physician or other person to conduct a medical examination or issue a medical certification document on the premises for the purposes of obtaining a medical marihuana registry identification card.
- 6) A Provisioning Center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of medical marihuana product. The Provisioning Center shall keep medical marihuana products behind a counter or other barrier to ensure a registered qualifying patient or

registered primary caregiver or member of the general public does not have direct access to the marihuana products.

- 7) All medical marihuana storage areas within medical marihuana Provisioning Centers shall be separated from any customer and patient areas by a permanent barrier. No medical marihuana is permitted to be stored in an area accessible by the general public, or registered caregivers, or registered patients.
- 8) Any medical marihuana remaining on the premises of a medical marihuana Provisioning Center while the Provisioning Center is not in operation shall be secured in a locked area in the interior of the premises.
- 9) The premises of a medical marihuana Provisioning Center 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.
- 10) A licensed medical marihuana Provisioning Center shall not place or maintain, or cause to be placed or maintained, any advertisement of medical marihuana in any form or through any medium within the 1,000 feet buffer distance to a school as set forth in Section 15A.05 (c), with the exception that a Provisioning Center may establish signs in compliance with the requirements of Chapter 18 which regulates signs in the City of Stanton, and in compliance with Section 15A.07 (p) herein.
- 11) A Provisioning Center may employ an individual to engage in the home delivery of a medical marihuana product for sale or transfer to a registered qualifying patient according to the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated Rules of the Department of Licensing and Regulatory Affairs.

b) Operational requirements for a medical marihuana **Grower Facility** shall be as follows:

- 1) Consumption and/or use of medical marihuana shall be prohibited at the Grower facility; the dispensing of medical marihuana at the Grower facility shall be prohibited.
- 2) All Grower activity related to the Grower facility 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. The fences or barrier shall be secured in compliance with the security rules of Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and adopted Rules. All drying, trimming, curing, or packaging of marihuana shall occur inside the building meeting all the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and promulgated rules
- 3) That portion of the facility where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the City of Stanton Fire Department to ensure compliance with the State of Michigan fire codes.
- 4) Medical marihuana Grower facilities shall produce no products other than useable medical marihuana intended for human consumption.
- 5) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Grower facility shall be prohibited.

c) Operational requirements for a medical marihuana **Safety Compliance** facility shall be as follows:

- 1) A Safety Compliance license authorizes the licensee to accept a transfer of 2.5 ounces or less of marihuana to the Safety Compliance facility from a registered primary caregiver for testing. The licensee is also authorized to receive marihuana from, test marihuana for, and return marihuana to only a medical marihuana facility by means of a Secure Transporter.
- 2) The applicant and each investor with any interest in the Safety Compliance facility shall not have an interest in a Grower, Secure Transporter, Processor, or Provisioning Center.
- 3) A Safety Compliance facility shall have a secured laboratory space that cannot be accessed by the general public, and shall retain and employ at least one staff member with a relevant advanced degree in a medical or laboratory science.
- 4) A Safety Compliance facility shall become fully accredited by an entity approved by the State of Michigan Department of Licensing and Regulatory Affairs within one year after the date the license is issued, or as otherwise provided by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated rules.
- 5) All Safety Compliance activity related to the Safety Compliance facility shall be performed in an enclosed building.
- 6) All medical 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 facility as a medical marihuana Safety Compliance facility shall be prohibited.

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

- 1) A Processor license authorizes the licensee to purchase medical marihuana only from a Grower and authorizes the sale of marihuana-infused products or medical marihuana only to a Provisioning Center.
- 2) A Processor license authorizes the Processor to transfer medical marihuana only by means of a Secure Transporter.
- 3) All Processor activity related to the Processor facility shall be performed in an enclosed building.
- 4) All medical marihuana shall be contained within the building in an enclosed, locked facility.
- 5) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Processor facility shall be prohibited.
- 6) All medical marihuana processors shall be certified as accredited under a recognized food safety system such as SQF, ISO 22000, or the FDA's FSMA (Food Safety Modernization Act) rules or demonstrate that they are actively pursuing said certification at the time of licensing by the State of Michigan and at the time of application review by the City of Stanton, and shall obtain said certification within 18 months of operation.
- 7) 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** facility 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 medical marihuana between medical marihuana facilities 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 medical marihuana to a registered qualifying patient or registered primary caregiver.

- 2) The applicant and each investor with any interest in the Secure Transporter facility shall not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility, and shall not be a registered qualifying patient or a registered primary caregiver.
- 3) Each driver transporting medical marihuana shall have a chauffeur's license as issued by the State of Michigan. Each vehicle transporting medical 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 medical marihuana.
- 4) The medical marihuana shall be transported in one or more sealed containers and not be accessible while in transit.
- 5) A secure transporting vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana-infused product.
- 6) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with this chapter, and with the State of Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.
- 7) A Secure Transporter shall have a primary place of business as its marihuana facility and shall store its vehicles at its primary place of business. However, a 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) All Secure Transporter activity shall be performed in an enclosed building with the exception of driving and the loading and unloading of medical marihuana which may take place on a private portion of the Secure Transporter facility outside a Secure Transporter facility building.
- 9) Loading and unloading of Secure Transporter vehicles with medical marihuana may take place on a private, unenclosed portion of any medical marihuana facility, provided any area of loading and unloading is under video surveillance as required by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq. 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 medical marihuana facility.
- 10) All medical marihuana stored at the Secure Transporter facility 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.
- 11) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Secure Transporter facility shall be prohibited.

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

- a) Medical marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Medical marihuana facilities shall not allow onsite or as part of the marihuana facility 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.
- b) Access to the medical marihuana facility is restricted to the licensee, employees of the licensee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, and the Department of Licensing and Regulatory Affairs, through its investigators, agents, auditors, the state police, or law enforcement officials.
 - c) A separate waiting area may be created for visitors not authorized to enter the medical marihuana facility.
 - d) The licensee shall maintain a log tracking all visitors to a medical marihuana facility 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.
 - e) With the exception of staff meetings, employee training, and similar events associated with the operation of the medical marihuana facility, 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.
 - f) The medical marihuana facility must be at a fixed location. Mobile medical marihuana facilities and drive-through, drive-up, or walk-up operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited with the exception that a Provisioning Center may accept online orders and payments of sales of medical marihuana to a qualifying patient on a secure website according to the requirements of the Michigan Department of Licensing and Regulatory Affairs.
 - g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the medical marihuana facility.
 - h) Processors, Growers, and Safety Compliance facilities 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 medical marihuana facility is located.
 - i) All medical marihuana facilities 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.
 - j) 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.

- k) All medical marihuana facilities 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 Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- l) 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 Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- m) 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.
- n) 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.
- o) Verification from City of Stanton Public Safety personnel that the facility meets all requirements for fire protection.
- p) Marketing and advertising regulations for all medical marihuana facilities 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 Provisioning Center 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.
- q) Any medical marihuana facility shall not be operated in an occupied residence.
- r) No medical marihuana facility 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.

- s) 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.
- t) Any other operational measures requested by the Department of Licensing and Regulatory Affairs (LARA) that are not inconsistent with the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and the Rules.

15A.08 APPLICATION AND PROCESSING PROCEDURES

- a) All applications for special land use approval for a medical marihuana facility shall be accompanied by an application fee of \$5,000.
- b) As required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, any applicant for a medical marihuana facility license shall provide the City of Stanton notification by registered mail informing the City that the applicant has applied for a license under the Act. When the City receives the notice, within 90 days the City shall provide to the Medical Marihuana Licensing Board a copy of the City of Stanton ordinance permitting and regulating medical marihuana facilities, and a description of any previous medical marihuana related ordinance violation of the applicant.
- c) An application for special land use approval for a medical marihuana facility 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 medical marihuana facility shall be subject to final approval by the Stanton City Council following a recommendation by the Planning Commission.
- d) 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 15A.05 (c) (1).
- e) In addition to all application materials as required for a special land use, an application for a medical marihuana facility, on a form as approved by the City Council, shall be completed and submitted by the applicant.
- f) The application shall include the following information in addition to any additional information as required by the application form for a medical marihuana facility:
 - 1) The City of Stanton may request from the applicant a copy of the Entity/Individual Prequalification Application Packet for a state medical marihuana facility 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 medical marihuana establishment is to be operated; or written consent from the property owner of use of the premises for a medical marihuana facility, and a copy of any lease agreement.
 - 4) A Security Plan for the medical marihuana establishment, prepared as required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., 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 medical marihuana facility 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) 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) 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) 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) 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 medical marihuana facility 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 medical marihuana facility.
 - 13) A location area map showing the distance to all buffered uses as required in Section 15A.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 medical marihuana facility shall obtain a building permit for any building utilized as a proposed medical marihuana facility, 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.

15A.09 STANDARDS FOR APPROVAL

An approval of a medical marihuana facility 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 15A.
- e) Compliance with all applicable requirements of the City of Stanton Codified Ordinances.
- f) Compliance with all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended.
- g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

15A.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 medical marihuana facility 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 medical marijuana facility shall be additionally sent to all properties within the 1,000 feet buffer distance required by Section 15A.05 (c) (1).

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

- a) Upon change of ownership of any approved medical marihuana facility, 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 medical marihuana facility.
- 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 15A.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 medical marihuana facility be approved or used for a different type of medical marihuana facility except in accordance with all requirements and procedures of this Chapter 15A.
- g) A change of location of a medical marihuana facility after licensure requires a new license according to the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended. A change of location of a medical marihuana facility after licensure, or a change of licensee at a location previously approved as a medical marihuana facility, requires application for approval as a special land use by the City of Stanton according to the requirements of this Chapter 15A.

15A.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 Clerk