

# ORDINANCE NO. 2021-245 – MARIHUANA REGULATORY ORDINANCE

CITY OF STANTON  
MONTCALM COUNTY, MICHIGAN

Adopted: August 24, 2021  
Effective: September 13, 2021

## AN ORDINANCE TO REGULATE AND LICENSE RECREATIONAL MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES WITHIN THE CITY OF STANTON.

### The City of Stanton (The “City”) Ordains:

#### Article 1. Marihuana Licensing and Regulation.

#### Chapter 1. Recreational Marihuana.

##### 1.1 General.

The City of Stanton finds that it is in the public interest to allow the licensing and operation of certain recreational marihuana establishments within its boundaries in a manner consistent with this Chapter and the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 *et seq.*), as amended.

##### 1.2 Purpose.

The purpose of this Chapter is to establish standards for the licensing of certain recreational marihuana establishments within the City. It is the City’s intent, subject to conditions, to allow the licensing and operation of certain recreational marihuana establishments within its boundaries in order to:

- A. Promote the safe and regulated cultivation, processing, storage, testing, and sale of recreational marihuana;
- B. Provide safe access to recreational marihuana for eligible consumers;
- C. Discourage the sale of unsafe or unlicensed marihuana products;
- D. Preserve and protect the health, safety, and welfare of the residents of the City and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of recreational marihuana establishments within the City will be governed.

##### 1.3 Definitions.

- A. Terms not defined in this Chapter will be defined pursuant to the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 *et seq.*), as amended.
- B. Terms not defined in this Chapter or in the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 *et seq.*), as amended, will be defined pursuant to the administrative rules regarding marihuana establishments as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs.
- C. For the purpose of this Chapter, the following definitions will apply unless the context clearly indicates or requires otherwise:

1. “Act” means the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 *et seq.*), as amended.
2. “Marihuana establishment” means marihuana establishment as defined in the Act.
3. “City license” means a City marihuana establishment license issued under this Chapter.
4. “State operating license” means a marihuana establishment operating license granted by the State of Michigan pursuant to the Act.

#### 1.4 Authorized Marihuana Establishments.

- A. Unless specifically authorized and licensed under this Chapter, marihuana establishments are prohibited within the City.
- B. Operation of a marihuana establishment requires a valid State operating license and a valid City license.
- C. Marihuana establishments must be operated in compliance with all City regulatory and zoning ordinances, rules, and regulations.
- D. Marihuana establishments must be operated in compliance with all State laws, rules, and regulations.
- E. City licenses for the following types of marihuana establishments may be granted for operation within the City:
  1. Marihuana Grower (of any class to include excess grower).
  2. Marihuana Processor.
  3. Marihuana Retailer.
  4. Marihuana Safety Compliance Facility.
  5. Marihuana Secure Transporter.
- F. This Chapter does not apply to or regulate any protected patient or caregiver conduct under the Michigan Medical Marihuana Act, PA 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- G. A City license is a revocable privilege granted by the City and does not grant any property right beyond the terms of licensure. The application for or granting of a City license under this Chapter does not create or vest any right, title, franchise, or other property interest.

#### 1.5 Licensing Application.

- A. All applications for a City license will be filed with the City Clerk utilizing and complying with the City application, forms, and processes.
- B. Neither the application for a City license nor the granting of a City license may be made until the applicant has been granted State of Michigan “prequalification” status.
- C. As part of the application process, the applicant will be required to provide the following:
  1. State of Michigan prequalification letter.
  2. A site plan demonstrating compliance with the requirements of this Chapter.
  3. A narrative detailing how the marihuana establishment will comply with the requirements of this Chapter.
  4. All Step 1 documentation provided to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency.
  5. Any other information requested by the City.
- D. Any applicant who submits a complete application, complies with the requirements of this Chapter, and has not had a City license previously revoked will be granted a City license.
- E. The City Clerk will state in writing the grounds for any denial of a City license.
- F. All City licenses expire 365 calendar days from the date of issue.
- G. The City Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the City Council. No application will be accepted without the full payment of the required fee.

- H. Upon the granting of authorization for a City license, the City Clerk will assess a non-refundable licensing fee in the amount set from time to time by resolution of the City Council. No City license will be issued without the full payment of the required fee. Failure to pay the licensing fee in full within 10 calendar days of eligibility will be considered a refusal of the City license.
- I. No City license will be issued to an applicant in default to the City.

#### 1.6 License Renewal.

- A. All applications for the renewal of a City license will be filed with the City Clerk utilizing and complying with the City application, forms, and processes.
- B. City license renewal applications must be submitted to the City Clerk no later than 30 calendar days before the City license expires. Late applications will be subject to a late fee as determined from time to time by resolution of the City Council.
- C. No City license will be renewed unless the marihuana establishment in question has a valid State operating license.
- D. As part of the application process, the applicant will be required to provide the following:
  - 1. State operating license.
  - 2. An updated site plan demonstrating compliance with the requirements of this Chapter.
  - 3. An updated narrative detailing how the marihuana establishment will comply with the requirements of this Chapter.
  - 4. Any updated documentation provided to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency.
  - 5. Any other information requested by the City.
- E. Any applicant-licensee who submits a complete renewal application and complies with the requirements of this Chapter will be issued a City license renewal.
- F. The City Clerk will state in writing the grounds for any denial of a City license renewal.
- G. All City licenses will expire 365 calendar days from the date of renewal.
- H. The City Clerk will assess a non-refundable License renewal fee in the amount set from time to time by resolution of the City Council. No renewal application will be accepted without the full payment of the required fee.
- I. Upon the granting of authorization for the renewal of a City license, the City Clerk will assess a non-refundable licensing fee in the amount set from time to time by resolution of the City Council. No City license will be issued without the full payment of the required fee. Failure to pay the license renewal fee in full within 10 calendar days of eligibility will be considered a refusal of the City license.
- J. No City license renewed if the applicant-licensee is in default to the City.

#### 1.7 Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary City license, State operating licenses, and necessary approvals and permits will be eligible for licensing under this Chapter.
- B. All marihuana establishments are subject to inspection, with or without notice, at any time, by the Stanton Police Department.
- C. At all times, marihuana establishments must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the City, the State of Michigan, or any entity thereof.
- D. Each City license is specific to a particular location. Any change in location must receive prior written approval by the City. The City will evaluate the proposed change in location for compliance with the terms of this Chapter. Any request for a change in location must be accompanied by a site plan demonstrating compliance with the requirements of this Chapter.

- E. Each City license is issued exclusively to the licensee and any interest in a City license is not transferable except as provided herein. The stockholders of a corporation, members of a limited liability company (LLC), and partners of a limited partnership may transfer their interest in a City license to other stockholders, members, or partners who are approved by the Marihuana Regulatory Agency or its successor agency. Any change in ownership must be reported to the City within 10 calendar days.
- F. City licenses must be displayed at the licensed marihuana establishment in a manner clearly visible to the public.
- G. The issuance of a City license under this Chapter is in addition to, and not in lieu of, any other licensing or permitting required by the City, the State of Michigan, or any entity thereof.
- H. There is a continuing duty for applicants and licensees to provide the City updated documentation within 10 calendar days. This includes, but is not limited to, any documentation submitted to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, the issuance of any State operating license, or any change in documentation previously submitted to the City.
- I. Applicants and licensees must self-report any violation or citation issued by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency within 10 calendar days of the issuance of any violation or citation.

## 1.8 Licensing Terms.

### A. Odor Emissions.

1. All marihuana establishments must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana establishment outside of the marihuana establishment.
2. Negative air pressure must be maintained inside the marihuana establishment.

### B. All marihuana cultivation must take place inside of an enclosed structure.

### C. No light used for the cultivation of marihuana may be visible from outside the enclosed structure in which the cultivation takes place.

## 1.9 License Revocation.

### A. A City license may be revoked by the City Manager for any of the following reasons:

1. Fraud or misrepresentation contained in the State license or City license applications.
2. Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
3. Loss of or failure to maintain a valid State operating license.
4. Violation of this Chapter, or any rules, regulations, or terms of licensure promulgated by the City Council.
5. Violation of the City Zoning Ordinance.
6. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.

### B. Prior to revocation, the City Manager will hold a meeting with the licensee at which the licensee will be afforded an opportunity to be heard and present all relevant evidence.

## 1.10 Appeals.

- A. Any applicant who is denied a City license, applicant-licensee whose City license is not renewed by the City Clerk, or a licensee whose City license is revoked by the City Manager may appeal such decision to the City Council. The appeal must be submitted to the City Clerk

within 30 calendar days of the denial, denial of renewal, or revocation; be in writing; and clearly state the basis for the appeal.

- B. The City Council will hold a public hearing to consider the appeal. The appellant will be afforded an opportunity to be heard and present all relevant evidence.
- C. The City Council has the final review authority over any appeal brought before it.
- D. No marihuana establishment whose City license has been denied or revoked is permitted to conduct business while an appeal is pending. The conducting of business includes but is not limited to being open to the public, and the cultivation, processing, testing, and sale of marihuana. However, such marihuana establishment may take the necessary steps to prevent the spoilage of current inventory.
- E. The completion of the administrative appeals process under this Chapter is required prior to the appellant filing any action in a court of law.
- F. The City Council may adopt, via resolution, rules governing the appeals process.

#### 1.11 Violations and Penalties.

- A. Any applicant or licensee who violates this Chapter will be responsible for a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues will constitute a different violation.
- C. Any violation of this Chapter is declared to be a nuisance per se.
- D. Nothing in this Chapter precludes the City from pursuing any other remedies available at law or equity.

#### 1.12 Enforcement.

The City of Stanton Police Department and the City Manager are authorized to enforce this Chapter.

### Chapter 2. Medical Marihuana.

#### 2.1 General.

The City of Stanton finds that it is in the public interest to allow the licensing and operation of certain medical marihuana facilities within its boundaries in a manner consistent with this Chapter and the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 et seq.), as amended.

#### 2.2 Purpose.

The purpose of this Chapter is to establish standards for the licensing of certain medical marihuana facilities within the City. It is the City's intent, subject to conditions, to allow the licensing and operation of certain medical marihuana facilities within its boundaries in order to:

- A. Promote the safe and regulated cultivation, processing, storage, testing, and sale of medical marihuana;
- B. Provide safe access to medical marihuana for eligible consumers;
- C. Discourage the sale of unsafe or unlicensed marihuana products;
- D. Preserve and protect the health, safety, and welfare of the residents of the City and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of medical marihuana facilities within the City will be governed.

### 2.3 Definitions.

- A. Terms not defined in this Chapter will be defined pursuant to the Medical Marihuana Facilities Licensing, PA 281 of 2016 (MCL 333.27101 et seq.), as amended.
- B. Terms not defined in this Chapter or in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 et seq.), as amended, will be defined pursuant to the administrative rules medical marihuana facilities as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs.
- C. For the purpose of this Chapter, the following definitions will apply unless the context clearly indicates or requires otherwise:
  - 1. “Act” means the Medical Marihuana Facilities Licensing, PA 281 of 2016 (MCL 333.27101, et seq.), as amended.
  - 2. “Marihuana facility” means marihuana facility as defined in the Act.
  - 3. “City license” means a City marihuana facility license issued under this Chapter.
  - 4. “State operating license” means a marihuana facility operating license granted by the State of Michigan pursuant to the Act.

### 2.4 Authorized Marihuana Facilities.

- A. Unless specifically authorized and licensed under this Chapter, marihuana facilities are prohibited within the City.
- B. Operation of a marihuana facility requires a valid State operating license and a valid City license.
- C. Marihuana facilities must be operated in compliance with all City regulatory and zoning ordinances, rules, and regulations.
- D. Marihuana facilities must be operated in compliance with all State laws, rules, and regulations.
- E. City licenses for the following types of marihuana facilities may be granted for operation within the City:
  - 1. Marihuana Grower (of any class to include excess grower).
  - 2. Marihuana Processor.
  - 3. Marihuana Provisioning Center.
  - 4. Marihuana Safety Compliance Facility.
  - 5. Marihuana Secure Transporter.
- F. This Chapter does not apply to or regulate any protected patient or caregiver conduct under the Michigan Medical Marihuana Act, PA 1 of 2008 (MCL 333.26421 et seq.), as amended.
- G. A City license is a revocable privilege granted by the City and does not grant any property right beyond the terms of licensure. The application for or granting of a City license under this Chapter does not create or vest any right, title, franchise, or other property interest.

### 2.5 Licensing Application.

- A. All applications for a City license will be filed with the City Clerk utilizing and complying with the City application, forms, and processes.
- B. Neither the application for a City license nor the granting of a City license may be made until the applicant has been granted State of Michigan “prequalification” status.
- C. As part of the application process, the applicant will be required to provide the following:
  - 1. State of Michigan prequalification letter.
  - 2. A site plan demonstrating compliance with the requirements of this Chapter.
  - 3. A narrative detailing how the marihuana facility will comply with the requirements of this Chapter.
  - 4. All Step 1 documentation provided to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency.

- 5. Any other information requested by the City.
- D. Any applicant who submits a complete application, complies with the requirements of this Chapter, and has not had a City license previously revoked will be issued a City license.
- E. The City Clerk will state in writing the grounds for any denial of a City license.
- F. All City licenses expire 365 calendar days from the date of issue.
- G. The City Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the City Council. No application will be accepted without the full payment of the required fee.
- H. Upon the granting of authorization for a City license, the City Clerk will assess a non-refundable licensing fee in the amount set from time to time by resolution of the City Council. No City license will be issued without the full payment of the required fee. Failure to pay the licensing fee in full within 10 calendar days of eligibility will be considered a refusal of the City license.
- I. No City license will be issued to an applicant in default to the City.

## 2.6 License Renewal.

- A. All applications for the renewal of a City license will be filed with the City Clerk utilizing and complying with the City application, forms, and processes.
- B. City license renewal applications must be submitted to the City Clerk no later than 30 calendar days before the City license expires. Late applications will be subject to a late fee as determined from time to time by resolution of the City Council.
- C. No City license will be renewed unless the marihuana facility in question has been a valid State operating license
- D. As part of the application process, the applicant will be required to provide the following:
  - 1. State operating license.
  - 2. An updated site plan demonstrating compliance with the requirements of this Chapter.
  - 3. An updated narrative detailing how the marihuana facility will comply with the requirements of this Chapter.
  - 4. Any updated documentation provided to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency.
  - 5. Any other information requested by the City.
- E. Any applicant-licensee who submits a complete renewal application, complies with the requirements of this Chapter will be issued a City license renewal.
- F. The City Clerk will state in writing the grounds for any denial of a City license renewal.
- G. All City licenses will expire 365 calendar days from the date of renewal.
- H. The City Clerk will assess a non-refundable License renewal fee in the amount set from time to time by resolution of the City Council. No renewal application will be accepted without the full payment of the required fee.
- I. Upon the granting of authorization for the renewal of a City license, the City Clerk will assess a non- refundable licensing fee in the amount set from time to time by resolution of the City Council. No City license will be issued without the full payment of the required fee. Failure to pay the license renewal fee in full within 10 calendar days of eligibility will be considered a refusal of the City license.
- J. No City license renewed if the applicant-licensee is in default to the City.

## 2.7 Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary City license, State operating licenses, and necessary approvals and permits will be eligible for licensing under this Chapter.

- B. All marihuana facilities are subject to inspection, with or without notice, at any time, by the Stanton Police Department.
- C. At all times, marihuana facilities must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the City, the State of Michigan, or any entity thereof.
- D. Each City license is specific to a particular location. Any change in location must receive prior written approval by the City. The City will evaluate the proposed change in location for compliance with the terms of this Chapter.
- E. Each City license is issued exclusively to the licensee and any interest in a City license is not transferable except as provided herein. The stockholders of a corporation, members of a limited liability company (LLC), and partners of a limited partnership may transfer their interest in a City license to other stockholders, members, or partners who are approved by the Marihuana Regulatory Agency or its successor agency. Any change in ownership must be reported to the City within 10 calendar days.
- F. City licenses must be displayed at the licensed marihuana facility in a manner clearly visible to the public.
- G. The issuance of a City license under this Chapter is in addition to, and not in lieu of, any other licensing or permitting required by the City, the State of Michigan, or any entity thereof.
- H. There is a continuing duty for applicants and licensees to provide the City updated documentation within 10 calendar days. This includes, but is not limited to, any documentation submitted to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, the issuance of any State operating license, or any change in documentation previously submitted to the City.
- I. Applicants and licensees must self-report any violation or citation issued by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency within 10 calendar days of the issuance of any violation or citation.

## 2.8 Licensing Terms.

### A. Odor Emissions.

- 1. All marihuana facilities must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana facility outside of the marihuana facility.
  - 2. Negative air pressure must be maintained inside the marihuana facility.
- B. All marihuana cultivation must take place inside of an enclosed structure.
  - C. No light used for the cultivation of marihuana may be visible from outside the enclosed structure in which the cultivation takes place.

## 2.9 License Revocation.

- A. A City license may be revoked by the City Manager for any of the following reasons:
  - 1. Fraud or misrepresentation contained in the State license or City license applications.
  - 2. Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
  - 3. Loss of or failure to maintain a valid State operating license.
  - 4. Violation of this Chapter, or any rules, regulations, or terms of licensure promulgated by the City Council.
  - 5. Violation of the City Zoning Ordinance.
  - 6. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.



- B. Prior to revocation, the City Manager will hold a meeting with the licensee at which the licensee will be afforded an opportunity to be heard and present all relevant evidence.

#### 2.10 Appeals.

- A. Any applicant who is denied a City license, applicant-licensee whose City license is not renewed by the City Clerk, or a licensee whose City license is revoked by the City Manager may appeal such decision to the City Council. The appeal must be submitted to the City Clerk within 30 calendar days of the denial, denial of renewal, or revocation; be in writing; and clearly state the basis for the appeal.
- B. The City Council will hold a public hearing to consider the appeal. The appellant will be afforded an opportunity to be heard and present all relevant evidence.
- C. The City Council has the final review authority over any appeal brought before it.
- D. No marihuana facility whose City license has been denied or revoked is permitted to conduct business while an appeal is pending. The conducting of business includes but is not limited to being open to the public, and the cultivation, processing, testing, and sale of marihuana. However, such marihuana facility may take the necessary steps to prevent the spoilage of current inventory.
- E. The completion of the administrative appeals process under this Chapter is required prior to the appellant filing any action in a court of law.
- F. The City Council may adopt, via resolution, rules governing the appeals process.

#### 2.11 Violations and Penalties.

- A. Any applicant or licensee who violates this Chapter will be responsible for a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues will constitutes a different violation.
- C. Any violation of this Chapter is declared to be a nuisance per se.
- D. Nothing in this Chapter precludes the City from pursuing any other remedies available at law or equity.

#### 2.12 Enforcement.

The City of Stanton Police Department and the City Manager are authorized to enforce this Chapter.

Article 2. Repealer. Ordinance No. 2019-239 is hereby repealed.

Article 3. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing City ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Article 4. Savings Clause. The provisions of this Ordinance are severable. If any article, chapter, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Ordinance.

Article 5. Effective Date. This Ordinance is effective 10 days following its publication in the manner required by law.