

ORDINANCE #2020-01  
VILLAGE OF EDMORE  
COUNTY OF MONTCALM, MICHIGAN

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF MEDICAL MARIHUANA FACILITIES WITHIN THE VILLAGE OF EDMORE, MICHIGAN AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE VILLAGE OF EDMORE HEREBY ORDAINS:

**SECTION 1: TITLE**

This Ordinance shall be known and may be cited as the Village of Edmore Regulation of Medical Marihuana Ordinance.

**SECTION 2: LEGISLATIVE INTENT**

The purpose of this Ordinance is to regulate medical marihuana facilities, which include Provisioning Centers, Grower Facilities, Safety Compliance Facilities, Processor Facilities, and Secure Transporter to the extent permissible under State of Michigan and to protect the public health, safety, and welfare of the residents of the Village of Edmore; and as such this Ordinance constitutes a public purpose.

The Village finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for medical marihuana use found in the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act.

**SECTION 3: DEFINITIONS**

The following words and phrases used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

(a) Any term defined by the Medical Marihuana Act, MCL 333.26421 et seq. (MMA) shall have the definition given in the MMA

(b) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq (MMFLA) shall have the definition given in the MMFLA

(c) Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq. (MTA), shall have the definition given in the MTA

(d) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

(e) "Department" means the Michigan Department of Licensing and Regulatory Affairs.

(f) "Enclosed Locked Facility" means a stationary, and fully enclosed closet, room, or other comparable location that is equipped with secured locks or other functioning security devices.

(g) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(h) "Licensee" means a person holding a state license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101.

(i) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(j) "Marihuana Plant(s)" means any plant of the species Cannabis Sativa L.

(k) "Marihuana paraphernalia" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

(l) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

(m) "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to medical marihuana facilities:

- A. Class A – 500 marihuana plants;
- B. Class B – 1000 marihuana plants;
- C. Class C – 1500 marihuana plants.

(n) "Medical Marihuana Facility(ies)" means a marihuana grower, marihuana safety

compliance facility, marihuana processor, provisioning center, marihuana secure transporter, or any other type of marihuana-related business licensed by the department under the MMFLA.

(o) "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.

(p) "Marihuana processor" means a person licensed to obtain marihuana from marihuana grower; process and package marihuana; and sell or otherwise transfer marihuana to marihuana facilities.

(q) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana facilities in order to transport marihuana to marihuana facilities.

(r) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(s) "Municipal license" means a license issued by the Village of Edmore that allows a person to operate a medical marihuana facility in the Village of Edmore.

(t) "Municipality" means the Village of Edmore.

(u) "Outdoor grow" means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

(v) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(w) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(x) "Provisioning Center" means a commercial entity 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 through the department's Marihuana registration process in accordance with the MMMA is not a Provisioning Center for the purposes of this Ordinance.

(y) "School" means a public or private licensed pre-school, or a public, private, or charter

elementary, middle, junior high, or high school, vocational school, secondary school, community college, or other institution of higher education.

(z) "State license" means a license issued by the department that allows a person to operate a medical marihuana facility.

(aa) "Village" means the Village of Edmore

(bb) "Village Council" means the Village of Edmore Council

#### **SECTION 4: AUTHORIZATION OF MEDICAL MARIHUANA FACILITIES AND FEE**

A. The Village hereby authorizes, subject to the issuance of a municipal license by the Village Council, the following medical marihuana facilities within the boundaries of the Village.

B. The marihuana facilities and the number authorized pursuant to this Ordinance are:

Type of Facility

Grower (2)

Processor (2)

Provisioning Center (1)

Safety Compliance Facility (4)

Secure Transporter (4)

C. A nonrefundable municipal license application fee shall be paid by each marihuana facility applying to be licensed under this ordinance in the amount of \$1,500.00. The municipal license fee is in addition to any other fees required, including, but not limited to, zoning fees.

D. The municipal license fee is \$5,000. All municipal licenses are effective for one (1) year. Should the Village grant a marihuana facility a municipal license, the municipal license application fee shall be considered toward the \$5,000 municipal license fee for the first year. Prior to the expiration of the first year of the license, the licensee may apply for an extension/renewal of the municipal license for an additional one year period at a nonrefundable fee of not more than \$5,000 as set by resolution of the Village Council to defray the administrative and enforcement costs of the Village associated with the operation of the licensed marihuana facility.

#### **SECTION 6: PERMITTED LOCATIONS**

A. All medical marihuana facilities shall be issued for a specific location which shall be designated as a licensed premises.

B. All Medical marihuana facilities are considered a special use under the Village of

Edmore Zoning Ordinance.

- C. All Medical marihuana facilities must be located within the applicable zoning district for each type of facility, pursuant to the Village of Edmore Zoning Ordinance.
- D. Medical marihuana facilities shall not be permitted in any district zoned exclusively for residential use.

## **SECTION 7: BUFFERING REQUIREMENTS**

Medical marihuana facilities shall be located a minimum of Five Hundred (500) feet from public or private elementary, secondary or vocational schools, as measured "door to door" to the entrance of the school from the entrance of the licensed facility's structure.

## **SECTION 8: REQUIREMENTS AND PROCEDURE FOR ISSUING A MUNICIPAL LICENSE**

- A. No person shall be issued a municipal license by the Village without first having obtained from the Village of Edmore Planning Commission a Special Use Permit authorizing the operation of the facility pursuant to the Village of Edmore Zoning Ordinance.
- B. No elected official or person who is employed by the Village, acts as a consultant for the Village or acts as an advisor to the Village, and is involved in the implementation, administration or enforcement of this Ordinance shall have an interest, directly or indirectly, in a marihuana facility in the Village of Edmore.
- C. Maintaining a valid license issued by the state is a condition for the maintenance of a license under this ordinance and continued operation of a marihuana facility.
- D. Every applicant for a municipal license to operate a marihuana facility shall file an application in the Village Manager's office upon a form provided by the Village. The application shall include:
  - 1. The appropriate nonrefundable municipal license application fee;
  - 2. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers;
  - 3. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating

agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;

4. A signed release authorizing the Village of Edmore to perform a criminal background check, for a fee established by the Village Council, to ascertain whether the applicant, each stakeholder of the applicant, meet the criteria set forth in the MMFLA and this Ordinance.
5. The name and address of the proposed marihuana facility;
6. One of the following: (a) proof of ownership of the entire premises wherein the marihuana facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;
7. Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana facility;
8. A copy of the Special Use Permit issued by the Village of Edmore Planning Commission;
9. Proof of a State issued Certificate of Prequalification Status;
10. A location area map of the marihuana facility and surrounding area that identifies the relative locations and the distances (door-to-door to the subject marihuana facility's building) to the closest real property comprising a public or private elementary, vocational or secondary school;
11. A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into the sewerage system is prohibited;
12. A business plan which contains, but is not limited to, the following:
  - ii. The applicant's experience in operating other similarly permitted or licensed businesses and the applicant's general business management experience;
  - iii. An estimate of the number and type of jobs that the marihuana facility is expected to create and the amount and type of compensation expected to be paid for such jobs
  - iv. The proposed ownership structure of the facility, including percentage ownership of each person or entity;
  - v. A current organizational chart that includes position descriptions and the

- names of each person holding each position;
- vi. Planned tangible capital investment in the Village, including if multiple licenses are proposed, an explanation of the economic benefits to the Village and job creation, if any, to be achieved through the award of such multiple licenses, with supporting factual data;
- vii. If a Marihuana Grower Facility is proposed, the number of plants anticipated;
- viii. Financial structure and financing of the proposed marihuana facility(s);
- ix. Community outreach/education plans and strategy;
- x. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Village, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees. that the applicant may incur as a result of the violation by the applicant, its Stakeholders and agents of those laws, rules, and regulations; and
- xi. Any other information which may be required by the Village Manager.

E. Upon an applicant's completion of the above-described form and furnishing of all required information and documentation, and confirmation that the number of existing licenses does not exceed the maximum number established in Section 4B, above, the Village Manager shall file the same and assign it a sequential application number by facility type based on the date and time of acceptance. The Village Manager convey to the Local Licensing Authority the application and set a meeting to review the issuance of the municipal license. This shall take place no later than at the next regularly scheduled Village Council meeting, so long as the application and all relevant documents were received three weeks prior to the next meeting

## **SECTION 9: LICENSE APPLICATIONS EVALUATION**

- A. The Village Council shall assess all applications referred to it by the Village Manager.
- B. In its application deliberations, the Village Council shall assess each application in each of the following categories:
  - 1. The applicant's experience in operating other similarly licensed businesses.
  - 2. The applicant's general business management experience.
  - 3. The applicant's general business reputation.
  - 4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a

- marihuana facility of the applicant.
5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
  6. Whether the applicant or stakeholder is currently under indictment for or has been arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, or any felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.
  7. Whether the applicant or stakeholder has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for one (1) or more years.
  8. Whether the applicant or stakeholder has a history of non-compliance with any regulatory requirements in this state or any other jurisdiction.
  9. As it relates to operation of a marihuana provisioning, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed provisioning center.
- C. The Village Council shall assess each application with aforementioned categories under the aforementioned categories and may issue a license to the applicant if an applicant has satisfactorily met all requirements.

## **SECTION 10: LICENSES GENERALLY**

- A. To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et.seq.
- B. Licensees may transfer a license issued under this Ordinance to a different location upon receiving written approval from the Village and provided that the licensee holds a special use permit for the new location. In order to receive approval to transfer a license location, the licensee must make a written request to the Village, indicating the current license location and the proposed license location, upon receiving the written request, the Village shall refer a copy of the written request to the Village Council for their approval. No License transfer shall be approved unless the Licensee and the proposed License location meet the standards identified in this Ordinance. A license transfer fee shall be established by Village Council through resolution.
- C. Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval by the Village. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the Village, indicating the current licensee and the proposed licensee including proof that the proposed licensee has obtained a Certificate of Pre-Qualification Status from the State of Michigan. Upon receiving the written request,



the Village shall consider the request as a new application for a license. A license transfer fee shall be established by Village Council through resolution.

- D. Applicants cannot transfer their application to a different person, individual, or entity.
- E. Licensees shall report any other change in the information required by this Ordinance to the Village within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.
- F. The possession of a municipal license under this ordinance does not constitute a property right.

### **SECTION 11: MINIMAL OPERATIONAL STANDARDS OF PROVISIONING CENTERS**

The following minimum standards for provisioning centers shall apply:

- A. No provisioning center shall be open to the public between the hours of 9:00 PM and 8:00 AM.
- B. Consumption of marihuana shall be prohibited in the provisioning center, and a sign shall be posted on the premises of each provisioning center indicating that consumption is prohibited on the premises.
- C. Provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- D. The public or common areas of the provisioning center must be separated from restricted or non-public areas of the marihuana facility
- E. All marihuana storage areas within the provisioning center must be separated from any customer areas by a permanent barrier. Marihuana may be displayed in a sales area.
- F. Any usable marihuana remaining on the premises of a provisioning center while the provisioning center is not in operation shall be secured from the public.
- G. Drive-through window on the premises of a provisioning center shall not be permitted.
- H. Provisioning center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- I. No provisioning center shall be operated in a manner creating noise, dust, vibration,

glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the provisioning center is operated.

- J. The license required by this Ordinance shall be prominently displayed on the premises of a marihuana facility.
- K. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with state laws.
- L. All marihuana shall be packaged and labeled as provided by state laws.
- M. The premises shall be open, at all times, to any Michigan Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee consistent with constitutional limitations, for the following purposes:
  - 1. To inspect and examine all premises of the marihuana facility.
  - 2. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
  - 3. To inspect the person, and inspect or examine personal effects present in a marihuana facility, of any holder of state operating license while that person is present in a marihuana facility.
  - 4. To investigate alleged violations of the MMA, MMFLA, or applicable state laws.
- N. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
- O. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- P. It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.
- Q. No licensed marihuana facility shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium within five hundred feet of the real property comprising a public or private elementary, vocational or secondary school.

## **SECTION 12: MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY**

The following minimum standards for grower facility shall apply:

- A. The grower facility shall comply at all times and in all circumstances with the MMFLA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. The premises shall be open, at all times, to any MMFLA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of the marihuana facility;
  - b. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
  - c. To inspect the person, and inspect or examine personal effects present in a marihuana facility, of any holder of state operating license while that person is present in a marihuana facility;
  - d. To investigate alleged violations of the MMA, MMFLA, or applicable state laws.
- C. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the MMA and MMFLA.
- D. All marihuana shall be contained within an enclosed locked facility;
- E. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.
- F. That portion of the structure storing any chemicals such as herbicides, pesticides, and fertilizers shall be in compliance with all applicable statutes, codes and Ordinances;
- G. The dispensing of marihuana at the grower facility shall be prohibited.
- H. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:

- a. Maintaining adequate personal cleanliness;
  - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - c. Refraining from having direct contact with marijuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- I. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marijuana is exposed.
  - J. Floors, walls and ceiling, shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
  - K. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
  - L. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
  - M. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
  - N. Marijuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
  - O. Grower facility shall be free from infestation by insects, rodents, birds, or vermin of any kind;
  - P. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.

### **SECTION 13: MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY**

The following minimum standards for Safety Compliance Facility shall apply:

- A. The Safety Compliance Facility shall comply at all times and in all circumstances with the MMFLA and or applicable State laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

- B. Consumption and/or use of marihuana shall be prohibited at the facility;
- C. The premises shall be open, at all times, to any MMFLA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of marihuana facility.
  - b. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
  - c. To inspect the person, and inspect or examine personal effects present in a marihuana facility, of any holder of state operating license while that person is present in a marihuana facility.
  - d. To investigate alleged violations of the MMA, MMFLA, or applicable state laws.
- D. Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMFLA or applicable state laws.
- E. All marihuana shall be contained within the building in an enclosed locked facility in accordance with the MMFLA, as amended, or applicable state laws.
- F. There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana
- G. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.
- H. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- I. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- J. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- K. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- L. Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.

**SECTION 14: MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY**

The following minimum standards for processor facility shall apply:

- A. The processor shall comply at all times and in all circumstances with the MMFLA, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. Consumption and/or use of marihuana shall be prohibited at the processor facility.
- C. All activity related to the processor facility shall be done indoors.
- D. The premises shall be open, at all times, to any MMFLA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of the marihuana facility;
  - b. To inspect, examine, and audit relevant records of the licensee and, of the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
  - c. To inspect the person, and inspect or examine personal effects present in a marihuana facility, of any holder of state operating license while that person is present in a marihuana facility.
  - d. To investigate alleged violations of the MMA, MMFLA, or applicable state laws.
- E. Any processor facility shall maintain a log book and/or database which complies with the MMFLA, as amended, or applicable state laws.
- F. All marihuana shall be tagged as required by the MMFLA or applicable state laws.
- G. All marihuana shall be contained within enclosed locked facility in accordance with the MMFLA, as amended.
- H. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
- I. That portion of the structure where the storage of any chemicals is located shall be subject to all applicable statutes, codes and Ordinances.

- J. The dispensing of medical marihuana at the processor facility shall be prohibited.
- K. All persons working in direct contact with marihuana shall conform to hygienic practice while on duty, including but not limited to:
  - a. Maintaining adequate personal cleanliness;
  - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- L. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- M. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- N. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
- O. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- P. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- Q. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- R. Processor facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- S. Processor facility shall produce no products other than useable Marihuana intended for human consumption.
- T. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited.

**SECTION 15: MINIMUM OPERATIONAL STANDARDS OF SECURE**

## **TRANSPORTER**

The following minimum standards for secure transporters shall apply:

- A. The secure transporter shall comply at all times with the MMFLA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
- C. Storage of marihuana by a secure transporter shall comply with the following:
  - a. The storage facility shall be continuously monitored with a surveillance system that includes security cameras. The video recording shall be maintained in a secure, off- site location for a period of fourteen (14) days;
  - b. The storage facility shall not be used for any other commercial purpose;
  - c. The storage facility shall not be open or accessible to the general public;
  - d. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and Ordinance;
  - e. The storage facility shall be open at all times to any MMFLA Licensing Board investigator or police officers, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or non-compliance with the MMFLA or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:
    - i. to inspect and examine all premises of the marihuana facility;
    - ii. to inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
    - iii. to inspect the person, and inspect or examine personal effects present in a marihuana facility, of any holder or state operating license while that person is present in a marihuana facility;
    - iv. to investigate alleged violations of the MMFLA or applicable state laws.
  - f. All marihuana stored within the facility shall be stored within enclosed locked facilities in accordance with the MMFLA as amended.
  - g. All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:
    - i. maintaining adequate personal cleanliness;



- ii. washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - iii. refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- D. A secure transporter licensee and each stakeholder shall not have an interest in another marihuana facility.
- E. A secure transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
- F. A secure transporter shall comply with all of the following:
  - a. Each driver transporting marihuana must have a chauffeur's license issued by the state.
  - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years or have been convicted of a misdemeanor involving a controlled substance with the past five (5) years.
  - c. Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.
  - d. A route plan and 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.
  - e. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
  - f. A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana infused product.
- G. A vehicle used by 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 all state and local laws, rules, regulations and Ordinances.

## **SECTION 16: DENIAL AND REVOCATION**

A. A license issued under this Ordinance may be revoked after an administrative hearing at which the Village Council by majority vote of the members present determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of license at least five days prior to the date of the hearing, by first class mail to the address given on the license application; a licensee whose license is subject of such Hearing may present evidence and/or call witnesses at the Hearing.

B. A license applied for or issued under this Ordinance may be denied or revoked on

any of the following basis:

1. Violation of this Ordinance;
2. Any Conviction of delivery of a controlled substance to a minor;
3. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a license;
4. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the MMFLA and the State of Michigan;
5. The marihuana facility is determined by the Village of Edmore to have become a public nuisance;
6. The State of Michigan Licensing Board has denied, revoked or suspended the applicant's state license.
7. For any reason allowed by the applicable Michigan Statutes.

### **SECTION 17: PENALTIES AND DISCIPLINE**

A. Any person in violation of any provision of this Ordinance or any provision of a license issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to \$500.00 plus cost of prosecution, 90 days imprisonment, or both, or each violation. This section is not intended to prevent enforcement of any provision of the State law by law enforcement agencies of competent jurisdiction.

B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village may bring an Action for an injunction or other process against a Licensee to restrain, prevent, or abate any violation of this Ordinance.

C. The Village Council may temporarily suspend a marihuana facility license without a hearing if the Village Council finds that public safety or welfare requires emergency action. The Village Council shall cause the temporary suspension by issuing a Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing.

D. If the Village Council temporarily suspends a license without a hearing, the holder of the license is entitled to a hearing within thirty (30) days after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.

E. If the Village Council does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

### **SECTION 18: SEVERABILITY**

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

**SECTION 19: EFFECTIVE DATE**

This Ordinance shall take effect twenty (20) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

Adopted and passed by the Edmore Village Council the \_\_\_\_ day of \_\_\_\_ 2020.  
Signed this \_\_\_\_\_ day of January 2020.

\_\_\_\_\_  
Gloria Burr, President

\_\_\_\_\_  
Kerri Petersen Clerk