

Summary

An Ordinance to amend and replace Central Lake Ordinance No. 4 of 2018/2019 to allow marihuana establishments to operate in the Village of Central Lake, pursuant to the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 6.1, MCL 333.27956, Section 1, to establish standards and procedures to license and regulate marihuana establishments to set forth definitions, to require a license, establish application qualifications and review, compliance inspections and investigations of applicants, to authorize fees, to establish conditions for operation and locational specifications for schools, public libraries, religious institutions and other marihuana businesses, to require compliance with state laws and regulations, to impose civil infraction penalties for violations, and to minimize adverse effects, if any, from the cultivation processing, dispersing and storage of marihuana, all in order to protect the public health, safety and welfare.

**VILLAGE COUNCIL
VILLAGE OF CENTRAL LAKE
Antrim County, Michigan
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND AND REPLACE CENTRAL LAKE ORDINANCE NO. 4 OF 2018/2019 OF THE VILLAGE OF CENTRAL LAKE TO PROVIDE FOR THE LICENSING AND REGULATION OF MARIHUANA ESTABLISHMENTS

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE VILLAGE OF CENTRAL LAKE THAT:

Central Lake Ordinance No. 4 of 2018/2019 of the Village of Central Lake is amended to read as follows:

Section 1. Title.

The title of this ordinance shall be the "Village of Central Lake Marihuana Establishments Ordinance."

Section 2. Definitions.

This ordinance shall adopt all terms and phrases from the Michigan Regulation And Taxation of Marihuana Act, specifically section MCL 333.27953.

Section 3. Marihuana Establishment Rules and Regulations.

- (a) In addition to the rules promulgated by the department and the statutes of the state of Michigan, the operation of marihuana establishments shall be made in accordance with the provisions of this ordinance.
- (b) Marihuana retailers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00pm and 9:00am.

Section 4. Marihuana Establishment Applications.

- (a) No person shall operate a marihuana establishment in the Village without first obtaining a permit for the marihuana establishment from the Village.
- (b) In addition to such applications as may be required by the department for licensing by the State of Michigan, application shall be made to the clerk to operate a marihuana establishment in the municipality.
- (c) Applications shall be made on forms provided by the clerk, shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if an entity, verified by oath or affidavit, and seal if available, and shall contain the following:
 - (1) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.
 - (2) If the applicant is an entity, the entity's articles of incorporation or organizational documents.
 - (3) A description of proposed community outreach and education strategies.
 - (4) A description of the security plan for the proposed marihuana establishment that is consistent with the requirements of the State of Michigan.
 - (5) A floor plan of the proposed marihuana establishment.
 - (6) A scale diagram illustrating the property upon which the proposed marihuana establishment is to be operated, including any available parking spaces, and specifying which parking spaces are handicapped-accessible.
 - (7) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed marihuana establishment.
 - (8) An establishment sanitation plan that describes how waste will be stored and disposed and how marihuana will be rendered unusable upon disposal at the proposed marihuana establishment.
 - (9) A signed acknowledgement that the applicant understands that any matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are currently subject to federal laws, and that the approval of a permit hereunder does not exonerate or exculpate the applicant from exposure to any penalties associated therewith. Further, the applicant completely releases and forever discharges the village and its respective employees, agents, facilities, insurers, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and. If issued a permit, the applicant or stakeholders' operation of a marihuana establishment.
- (d) All applications must be accompanied by the appropriate fee to help defray administrative costs associated with the application for the marihuana establishment, which shall be set by a resolution adopted by Village Council but shall not exceed five thousand dollars (\$5,000.00) per application.
- (e) An applicant may apply for multiple marihuana establishment permits of the same or different nature in accordance with the MRA Department Rules.

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Section 5. Marihuana Establishment Application Process

- (a) Upon receipt of a completed application meeting the requirements of this ordinance and the appropriate permit application fee, the clerk shall refer a copy of the application to the Central Lake Township Fire Department and the Antrim County Building Department. Inspections, certificates of occupancy and building permits pertaining to inspections may be issued by either the local departments or state approved inspectors.
- (b) After this ordinance becomes effective, the clerk shall begin accepting marihuana establishment applications within one (1) business day.
- (c) The clerk shall award a permit to the applicant for a permit to operate a marihuana establishment who submits a complete application and whom meets the requirements of this ordinance.
- (d) If the number of applicants meeting the requirements of this ordinance exceeds the number of available permits, the Village Council shall rank applicants in order, considering the factors outlined in Section 5(e) and consider the site plan for the proposed marihuana establishment. So long as an applicant meets the requirements of this ordinance, if the applicant owns the real property to be utilized as the location for the proposed establishment, such applicant shall be ranked higher than those applications that do not own the property for the location of such proposed establishment. Ranking shall be based upon a zero to ten scale (no partial numbers) for each factor including zoning compliance with a zero meaning "non-compliance" and a ten meaning "far exceeds compliance."
- (e) In determining whether to grant a permit to an applicant, the Village may also consider all of the following factors: (1) The integrity and moral character; personal and business probity, relevant experience, and the responsibility or means of the applicant to operate or maintain a marihuana establishment; (2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance; (3) The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana establishment; (4) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven years; and (5) Community involvement in the Village, including, but not limited to, current charitable contributions and involvement.

Section 6. Marihuana Establishment Permit Limitations.

- (a) The number of each of the permits listed below shall be limited to one (1), unless otherwise determined by resolution of the Village Council: (1) Marihuana Retailer. Once the limit of issued permits is reached, no further applications will be accepted and existing applications will be held in the order received when the applicable permit becomes available. However, any application older than twelve (12) months must be resubmitted with updated information to be considered for a permit that becomes available.
- (b) The marihuana retailer authorized by this ordinance shall be located in the appropriate zoning district by formal amendment of Village of Central Lake Zoning Ordinance.

Section 7. Transfer of Existing Marihuana Establishment Permit.

- (a) Permittees must own the property that is licensed and may transfer a permit issued under this ordinance to a different location in an allowable zoning district upon written approval from the clerk and the Department, and rules promulgated by the Department. In order to request municipal approval to transfer a permit location the permittee must make a written request to the clerk, indicating the current location of the marihuana establishment and the proposed new location.
- (b) Permittees may transfer a permit issued under this ordinance to a different individual or entity upon receiving written approval from the clerk and the Department. In order to request municipal approval to transfer a permit to a different individual or entity, the permittee must make a written request to the clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall be subject to the requirements of this ordinance.

Section 8. Term of Marihuana Establishment Permit.

- (a) Each permit shall be displayed in a conspicuous spot in the building for that current year.
- (b) Approval of a permit shall be for a period of one calendar year subject to review by the clerk upon continued compliance with the regulations of this ordinance.

Section 9. Annual Marihuana Establishment Permit Renewal

- (a) Application for permit renewal shall be made in writing to the clerk at least 30 days prior to expiration of an existing permit.
- (b) An application for a permit renewal required by this ordinance shall be made under oath on forms provided by the clerk and shall contain all of the information required in an initial application.
- (c) An application for a permit renewal shall be accompanied by a renewal fee to help defray administrative and enforcement costs associated with the operation of the marihuana establishment which shall be set by resolution of the council but shall not exceed five thousand dollars (\$5,000.00).
- (d) No application for permit renewal shall be approved unless:
 - (1) The permittee possesses the necessary state licenses or approvals.
 - (2) The applicant has operated the marihuana establishment in accordance with the conditions and requirements of this ordinance.
 - (3) The permittee is operating the marihuana establishment in accordance with State of Michigan laws and rules and this ordinance.
- (e) If written approval is given by each department or entity identified in this section, the clerk shall issue a permit renewal to the applicant. The renewal shall be deemed approved if the Village has not issued formal notice of denial within 30 days of the filing date of the application.

Section 10. Revocation or Suspension of Marihuana Establishment Permit

Each marihuana establishment within the municipality for which a permit is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this ordinance, the clerk may, after a notice and public hearing, revoke or suspend such permit.

Section 11. Penalties

- a) Any person in violation of any provision of this ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this ordinance is violated shall be considered as a separate violation.
- b) The Village President, officers of the Central Police Department, and other persons appointed by the Village Council are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

Section 12. Severability; Conflicts.

If any section clause, or provision of this ordinance shall be declared to be unconstitutional, old, illegal, in conflict with state law or rules, or ineffective by any court of competent jurisdiction; such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force and effect.