

Resolution 2102 to Amend Code of Ordinances, City of Laingsburg, Michigan, Chapter 18

City of Laingsburg, Shiawassee County, Michigan

The following resolution was moved by _____ and supported by _____ at the February 1, 2021 Regularly Scheduled City Council Meeting:

THE CITY OF LAINGSBURG ORDAINS that Ordinance No. 02-2019, located in Chapter 18, Article VI, Division 2 (Sections 18-316 through 18-321) of the Code of Ordinances, City of Laingsburg, Michigan, is hereby amended to read as follows:

Section I. Definitions.

The following words and phrases shall have the following definitions when used in this Ordinance:

1. *“Application”* means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the *“Applicant.”*
2. *“Clerk”* means the City of Laingsburg Clerk or his/her designee.
3. *“City”* means the City of Laingsburg.
4. *“LARA”* means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a License for a Marihuana Establishment.
5. *“License”* means a current and valid license for a Marihuana Establishment issued by the State of Michigan.
6. *“Licensee”* means a Person holding a current and valid Michigan License for a Marihuana Establishment.
7. *“Marihuana”* means that term as defined in Section 3 of MRTMA.
8. *“Marihuana Establishment,”* as that term is defined in MRTMA, means one or a combination of the following:
 - a. *“Marihuana Grower,”* as that term is defined in MRTMA;
 - b. *“Marihuana Safety Compliance Facility,”* as that term is defined MRTMA;
 - c. *“Marihuana Processor,”* as that term is defined in MRTMA;
 - d. *“Marihuana Microbusiness,”* as that term is defined in MRTMA;
 - e. *“Marihuana Retailer,”* as that term is defined in MRTMA;

- f. “*Marihuana Secure Transporter*,” as that term is defined in MRTMA.
 - g. “*Designated Consumption Establishment*,” as that term is defined in the Regulations;
 - h. “*Excess Marihuana Grower*,” as that term is defined in the Regulations;
 - i. “*Marihuana Event Organizer*,” as that term is defined in the Regulations; and/or
 - j. “*Temporary Marihuana Event License*,” as that term is defined in the Regulations.
9. “*MRTMA*” means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 to 333.27967.
 10. “*Permit*” means a current and valid approval for a Marihuana Establishment issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to specific Permitted Premises and a specific Permitted Property.
 11. “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
 12. “*Permitted Premises*” means the particular building or buildings within which the Permit Holder will be authorized to conduct the Marihuana Establishment’s activities pursuant to the Permit.
 13. “*Permitted Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Marihuana Establishment is situated.
 14. “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
 15. “*Regulations*” means any regulations promulgated by LARA pursuant to the authority of MRTMA, including but not limited to the “Emergency Rules” that were filed with the Michigan Secretary State on July 3, 2019, and any future amendments to or replacements of those regulations.
 16. “*Special Use Permit*” means a permit for the use of property for a specific purpose in the City approved and issued by the City that may include conditions, restrictions and other requirements as specified.

Section II. Permit Required General Provisions.

- 1. City Authorization and Number of Marihuana Establishments.** The City hereby authorizes the operation of the following types of Marihuana Establishments in the City, subject to the restrictions that such Marihuana Establishments be approved through a Special Use Permit only. All Marihuana Establishments will be limited to the property designated in a Special Use Permit and the total number of Permits in effect at any time shall not exceed the outlined maximums for each category.
 - a. Class A Marihuana Grower
0 Permits
 - b. Class B Marihuana Grower
0 Permits

- c. Class C Marihuana Grower
0 Permits
- d. Excess Marihuana Grower
0 Permits
- e. Marihuana Processor
2 Permits
- f. Marihuana Safety Compliance Marihuana Establishment
2 Permits
- g. Marihuana Secure Transporter
2 Permits
- h. Marihuana Retailer
2 Permits
- i. Marihuana Microbusiness This is the only change from 2 to zero
0 Permits
- j. Designated Consumption Establishment
0 Permits
- k. Marihuana Event Organizer
0 Permits
- l. Temporary Marihuana Event License
0 Permits

2. Permit Requirement. No Person shall operate a Marihuana Establishment at any time on any location within the City unless the Applicant has secured (1) a License to operate such Marihuana Establishment from the State of Michigan, (2) a Permit issued by the City under this Ordinance, and (3) a Special Use Permit issued by City Council following the review and recommendation by the City of Laingsburg Planning Commission (“Planning Commission”) for the Marihuana Establishment.

3. LARA Revoked License. If LARA revokes the License of the Permit Holder, the Permit granted by the City shall be revoked at the same time and shall remain revoked until LARA reinstates the License and the City reviews the revoked and reinstated license.

4. Application Fee. At the time of Application, the Applicant shall pay a non-refundable Application fee of five thousand dollars (\$5,000) to defray the costs incurred by the City for the issuance of the Permit. This Application fee is in addition to (1) any fees and costs due to LARA and (2) any fees and costs due to the City related to acquiring the required Special Use Permit.

5. Permit Term. A Permit shall remain valid for a period of one (1) year after the date the Marihuana Establishment begins commercial operation. The Permit Holder shall notify the City of the Marihuana Establishment’s commercial operation date within thirty (30) days after the Marihuana Establishment begins commercial operations. Permits are reviewed and renewed annually with payment of a non-refundable Application renewal fee.

- 6. No Obligation to Renew.** A Permit shall not confer on the Applicant or Permit Holder any vested rights or reasonable expectation of subsequent renewal of the Permit.
- 7. Permit Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all renewal Applications, and renewal Applications must be accompanied by a non-refundable Application fee of three thousand five hundred dollars (\$3,500) to defray the costs incurred by the City for the review and issuance of the Permit renewal. See Section IV(2) for Permit Renewal timeframes.
- 8. Requirement Report Changes to the Marihuana Establishment to the City.** The Permit Holder shall provide to the City any changes to the Marihuana Establishment that require reporting to LARA under the requirements of MRTMA and/or the Regulations at the same time that such changes are reported to LARA.
- 9. Limitation of Assignment.** No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has been (1) granted a Permit by the City Council pursuant to this Ordinance and (2) received full approval by LARA under the requirements of MRTMA and/or the Regulations.
- 10. Permit Transfer Prohibition.** No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
- 11. Permit Display.** The Permit issued under this Ordinance shall be prominently displayed at the Marihuana Establishment in a location in compliance with MRTMA and/or the Regulations and approved by the City.
- 12. Right of Access.** Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local fire, emergency, or law and code enforcement personnel, including the local zoning administrator, planning board members, and City Council members, to conduct random and unannounced examinations of the Marihuana Establishment and all articles of property in that Marihuana Establishment at any time to ensure compliance with this Ordinance, subject to the requirements and provisions of LARA, MRTMA, and the Regulations.

Section III. Other Laws and Ordinances.

In addition to the terms of this Ordinance, a Marihuana Establishment shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the more restrictive ordinance, law, code or regulation shall control.

Section IV. Application for and Renewal of Permits.

- 1. Application.** A Permit Application for a Marihuana Establishment shall be submitted to the Clerk, and shall contain the following information:
 - a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Marihuana Establishment.

- b. The names, business addresses, and phone numbers for all directors, officers, and managers of the proposed Permit Holder and the Marihuana Establishment.
- c. One (1) copy of all the following:
 - 1) All documentation showing the proposed Permit Holder's valid tenancy, ownership, or other legal interest in the proposed Permitted Property.
 - 2) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, an indication of such status, attached to a copy of the entity's registration with the State of Michigan and a certificate of good standing.
 - 3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Marihuana Establishment.
 - 4) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 5) If any sign is proposed, an application for Sign Permit in conformance with any restrictions contained in the City Zoning Ordinance, MRTMA, and/or the Regulations.
 - 6) Non-refundable Application fee.
 - 7) The general description of the proposed Marihuana Establishment as submitted to LARA in the Applicant's License Application, including but not limited to:
 - i. The anticipated number of employees;
 - ii. The proposed security plan required by MRTMA and/or the Regulations;
 - iii. A copy of the proposed marihuana establishment plan (or, in the case of a designated consumption establishment, a copy of the proposed designated consumption establishment plan) required by the Regulations;
 - iv. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Marihuana Establishment; and
 - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including assurances that odors will not be detected from outside of the Permitted Property.
 - 8) Whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed, accompanied by a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - 9) Signed and sealed (by Michigan registered architect, surveyor, or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
 - 10) Information regarding any other Marihuana Establishment that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Marihuana Establishment.

d. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.

2. Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Permit renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the Permit. At the time of Application for Permit renewal, the Applicant shall pay a non-refundable Application fee of three thousand five hundred dollars (\$3,500) to defray the costs incurred by the City for the review and issuance of the Permit renewal. This Application fee is in addition to (1) any fees and costs due to LARA and (2) any fees and costs due to the City related to amending or renewing the governing Special Use Permit. A Permit Holder whose Permit expires or for which a complete Permit renewal Application has not been received by the Clerk ninety (90) or more days prior to the Permit's expiration shall be deemed to have forfeited the Permit under this Ordinance. Once a Permit renewal Application has been received by the City, the existing Permit shall continue until the City renews the Permit or denies the Application for renewal.

3. Approval, Issuance, Denial and Appeal. The City Council shall approve or deny a Permit Application within ninety (90) days of receipt of the completed Application and fees. The processing time may be extended upon written notice by the City for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The City has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the City receives a complete Application, as determined by the City Council. A determination of a complete Application shall not prohibit the City from requiring supplemental information.

4. New Permit Where No Building Yet Exists. Any Applicant for a Marihuana Establishment Permit whose building is not yet in existence at the time of the City's initial approval shall have two (2) years immediately following the date of the City's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.

5. Requirement to Supplement. Any changes to the Marihuana Establishment or its ownership or management that LARA requires notice or approval of shall be provided to the City at the same time that those changes are delivered to LARA.

Section V. Operational Requirements.

A Marihuana Establishment issued a Permit under this Ordinance and operating in the City shall at all times comply with LARA's operational requirements for the Licensed Marihuana Establishment.

1. Scope of Operation. A Marihuana Establishment shall comply with all respective applicable codes of the local zoning, building, and health departments. The Marihuana Establishment must hold a valid local Permit and State issued License for the type of Marihuana Establishment intended to be carried out on the Permitted Property.

2. Required Documentation. Each Marihuana Establishment shall be operated from the Permitted Premises, on the Permitted Property. No Marihuana Establishment shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Marihuana Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.

- 3. Security.** Permit Holders shall at all times maintain a security system that meets LARA requirements under MRTMA and/or the Regulations, and is reviewed by the local Law Enforcement department and approved by the City prior to the issuance of the Special Use Permit.
- 4. Sign Restrictions.** All signage shall comply with the requirements of MRTMA, the Regulations, and the restrictions set forth by the City in the Special Use Permit.
- 5. Waste Disposal.** The Permit Holder shall use lawful methods as specified in the Regulations and required by the City in controlling waste or by-products from any activities allowed under the License or Permit.
- 6. Required Spacing.** No Marihuana Establishment shall be located within five-hundred (500) feet from any school, college, university, or other educational institution.
- 7. Residential Restrictions.** No Marihuana Establishment shall be located in an area exclusively zoned for residential use.
- 8. Amount of Marihuana.** The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner, or operator of the Marihuana Establishment shall not exceed that amount permitted by the State License or the City's Permit, whichever is lower.
- 9. Sale of Marihuana.** The marihuana offered for sale and distribution must be packaged and labeled in accordance with State Law.
- 10. Indoor Operation.** All activities of Marihuana Establishments, including without limitation, distribution, growth, cultivation, processing, testing or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit, must occur indoors. The Marihuana Establishment's design shall minimize any impact to adjacent uses, including the maintenance of an air filtration system to eliminate odors that are detectable from outside of the Permitted Property.
- 11. Additional Considerations.** The City Council may impose such reasonable terms and conditions on a Marihuana Establishment special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section VI. Penalties and Consequences for Violation.

In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance constitute a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance, or of any law or ordinance relative to the use of the premises or the conduct of any Licensee, may be used as a basis to revoke the Permit granted under this Ordinance and/or for the City Council to recommend to LARA that the Licensee's License be revoked or suspended. Prior to such revocation or recommendation, the City Council shall direct that a hearing be had before the City Council upon not less than five (5) days' written notice to the Licensee. Service of such

notice may be made personally upon the Licensee, or by conspicuously posting a copy of the notice at Licensee's Facility or the Licensee's usual place of abode. A majority vote of the members of the City Council shall be required for the revocation of any Permit or the recommendation of License revocation/suspension to LARA.

Section VII. Severability.

The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section VIII. Effective Date.

This Ordinance shall take effect five (5) days following publication in a newspaper of general circulation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the aforementioned language.
2. The City Council hereby authorizes and directs the City Clerk to post and display in the office of the City Clerk the aforementioned language amendments to Chapter 18 of the Code of Ordinances, City of Laingsburg, Michigan.
3. The City Council hereby authorizes and directs the City Clerk to publish a summary and statement of title and purpose of the aforementioned language amendments to Chapter 18 of the Code of Ordinances, City of Laingsburg, Michigan.
4. This ordinance will become effective 30 days after the summary is published and the effective date will be prescribed in the ordinance.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes:

Nays:

Resolution declared adopted.

Micheal Culpepper, Mayor
City of Laingsburg

Paula Willoughby, Clerk
City of Laingsburg