

MMFL PERMIT ALLOWANCE AND APPLICATION ORDINANCE

(Adopted December 4, 2017)

Amendments January 8, 2018; February 5, 2018; March 5, 2018; May 7, 2018; & July 8, 2019 (Proposed amendment August 5, 2019)

Sec. 18-406 – MMFL Permit Allowance and Application Ordinance

- A. Under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101, *et seq.* (the “Act”), a municipality may adopt an ordinance to authorize 1 or more types of marihuana facilities (“Facilities”) within its boundaries and to limit the number of each type of marihuana facility.
- B. Under the Act, a municipality may promulgate other regulations relating to marihuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marihuana or interfering or conflicting with the Act.
- C. The City of Center Line (the “City”) hereby establishes the type and number of Facilities it will authorize within its boundaries and additional regulations pertaining to such Facilities.
- D. Unless otherwise specified, capitalized words herein shall have the meaning provided for in the Act.
- E. The following types of Facilities shall be authorized in the City by issuance of a permit (“Permit”) as provided herein, in the quantities specified, subject to all applicable laws and ordinances, including zoning requirements:
 1. Growers.
 - i. The number of Class A Growers shall be limited to 5.
 - ii. The number of Class B Growers shall be limited to 5.
 - iii. The number of Class C Growers shall be limited to 20.
 2. Processors. The number of Processors shall be limited to 15.
 3. Secure Transporters. The number of Secure Transporters shall be limited to 15.
 4. Provisioning Centers. The number of Provisioning Centers shall be limited to 15.
 5. Safety Compliance Facilities. The number of Safety Compliance Facilities shall be limited to 15.
 6. The foregoing Permit quantities shall be subject to the availability of locations in areas zoned for Facilities and shall be reduced to the extent locations are unavailable in such areas.
- F. Any Facilities approved under this Ordinance and under the Act shall comply with the City of Center Line zoning provisions and shall be limited to locations, and only located within

a building, within the M1 and M2 zoning districts, and shall be located, by street address, in said zoning districts on Liberal Avenue, Lawrence Avenue, and Sherwood Avenue only, and, as set forth in the City of Center Line Ordinance No. 402 “Medical Marijuana Facilities”, subject to the following conditions and set-back requirements below:

1. Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical marijuana.
 2. A Medical Marijuana Facility must be 400 feet or more from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 3. Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility must be 200 feet or more from the property line of any church, house of worship or other religious facility or institution.
 4. Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility must be 200 feet or more from any public park, publicly owned building or recreational area commonly used by minor children.
- G. Each applicant for authorization to operate a Facility within the City shall pay a non-refundable application fee of \$1,500, fill out the City’s application form, and provide all documentation and information requested by the City. Without limitation, the applicant must specify the property address of the proposed Facility, which must be located within an area zoned for such use and provide proof of ownership or tenancy of said property. In the event an applicant supplies a binding purchase agreement and the applicant is otherwise deemed to qualify for a Permit, the City may issue a Permit conditioned on the applicant submitting a deed to the property within ninety (90) days of issuance of the Permit. The City Manager shall, consistent with the requirements of this Ordinance, evaluate and nominate for approval by the City Council those applicants which the City Manager determines should be awarded a Permit (“Nominees”). In determining the Nominees, the City Manager shall consider the following criteria: (1) compliance with application requirements; (2) compliance with the requirements of this Ordinance; (3) capitalization and means to operate the proposed Facility; (4) business history and experience; (5) regulatory compliance/legal history; (6) strength of business plan; (7) integrity, moral character, and cooperation level with the City; (8) financial benefit to the City; and (9) any other consideration relevant to the public health, safety, or welfare. Upon receipt of the City Manager’s Nominees, the City Council shall conduct a vote on each Nominee, and

any Nominee approved by a simple majority of the City Council shall be issued a Permit. Permits are non-transferable and non-assignable and shall be specific to the Licensee and the location authorized. A transfer of an ownership interest in a business entity operating a Facility shall be deemed to be a transfer hereunder. No person may operate a Facility in the City without a Permit.

- H. Each Licensee operating a Facility within the City shall pay to the City, on an annual basis, a non-refundable fee of \$5,000 per license to help defray administrative and enforcement costs.
- I. All Facilities shall be inspected by the City on an annual basis to ensure (i) compliance with applicable regulations and requirements; and (ii) that there are appropriate electrical, fire safety, plumbing, filtration, and waste disposal systems provided on-site. Each Licensee shall pay to the City an annual inspection fee of \$4,000 to cover the cost of such inspections. In addition to the foregoing annual inspections, the City may inspect any Facility, at any time, upon reasonable cause to believe that a violation of the Act or this ordinance has occurred.
- J. All Facilities operating within the City shall be subject to the following additional requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the Act, the Act shall prevail.
 - 1. Exterior signage. Facilities may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a marijuana leaf or other commonly recognized symbol, or for marijuana or which utilize any of the following words: marijuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marijuana or marijuana-related products.
 - 2. Hours of Operation. Facilities may only operate between the hours of nine o'clock a.m. and nine o'clock p.m.
 - 3. Use at Facilities. No marihuana may be smoked, used, or consumed at any Facility.
 - 4. Indoor Operations/No Drive-Thru Service. All business operations of a Facility must occur indoors. Facilities may not provide drive-thru service.
 - 5. Transportation. Any Facility selling usable marihuana as defined in MCL 333.26423(n), must, at the time of sale, provide all purchasers with a copy of Center Line Ordinance Sec. 46-180.
 - 6. Odors. Facilities may not emit noxious odors or fumes.

7. Artificial Lighting. Any artificial lighting must not be visible from neighboring properties, streets, or rights of way.
8. Security. Facilities must have:
 - i. a monitored alarm system (24 hours per day and 7 days a week);
 - ii. a safe for all cash, cash equivalents, and marihuana stored in the Facility overnight;
 - iii. secured parking areas, with secure, decorative fencing around the entire perimeter and with a gated entry for vehicular traffic; such gate may remain open during operating hours and must be securely locked after hours;
 - iv. security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled;
 - v. All security recordings must be maintained for a minimum of thirty (30) days and provided to law enforcement upon request.
 - vi. All Facilities must provide to the City an IP address which provides the City with real-time access to all security camera feeds at the Facility.
9. Display of Permit. The Permit issued by the City and the License issued by the State of Michigan shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
10. Access by Minors. No person under the age of 18 shall be permitted to enter a Facility.
11. Systems. All Facilities must have electrical, fire safety, plumbing, filtration, and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.
12. Fire Suppression Systems. All facilities, no matter the square footage, shall have approved and installed fire suppression systems, with all square footage of the facility fire suppressed and covered with overhead sprinkler head fire suppression systems, as dictated by the City of Center Line Fire Marshall.
13. Compliance with Laws. All Facilities must be operated in compliance with the Act, all regulations promulgated under the Act, and all other applicable federal, state, and local laws, regulations, and ordinances.

- K. No Temporary Certificates of Occupancy. No Facility may operate under a temporary certificate of occupancy. Facilities must be in full compliance with all applicable legal requirements in order to operate.
- L. Termination of Authorization. If a Facility is operated in violation of the Act or any applicable ordinance, or if the Licensee is found to have submitted false or misleading information in its Permit application, the City may revoke the Permit for such Facility to operate within City. The City retains the right to alter the number and type of Facilities authorized hereunder at any time. Any Permit granted hereunder is a revocable privilege granted by the City and is not a property or other legal right.
- M. Penalties. With respect to any Facility that is in violation of any requirement or restriction set forth in Section I hereof, the Licensee of a Facility, all persons identified pursuant to MCL 333.27401(1)(b), and any on-site manager shall be subject to the following penalties:
1. Any violation shall be a misdemeanor and may be punished by a fine of not more than \$1,500 and/or imprisonment not exceeding 90 days and the violator(s) shall pay all court costs and expenses.
 2. The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent City from enforcing any other applicable ordinance.
 3. In addition to the remedies provided herein, the City may file for injunctive relief to abate any violation hereof.

CITY CLERK'S CERTIFICATION

The foregoing is a true and complete copy of an Ordinance duly adopted by the City Council of the City of Center Line, Michigan, at their Regular Council meeting held on December 4, 2017, of which public notice was given pursuant to 1968 P.A. 261, as amended, being MCLA 15.251, et.seq.

MEMBERS PRESENT: Mayor Robert Binson, Council Members Peter Harenski, Ron Lapham, James Reid, and Richard Moeller

MEMBERS ABSENT: NONE

It was moved by Council Member Moeller and supported by Council Member Harenski to adopt the Ordinance.

MEMBERS VOTING AYES: All

MEMBERS VOTING NAY: None

MEMBERS ABSENT: None

ORDINANCE DECLARED ADOPTED.



Dennis Champine

City Clerk
City of Center Line

Adopted: December 4, 2017
Published: December 13, 2017
Effective: December 23, 2017
Amended: January 8, 2018
Amended: February 5, 2018
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