

**VILLAGE OF SARANAC  
ORDINANCE NO. 109**

**MEDICAL MARIHUANA FACILITIES ORDINANCE**

**Section 1. Definitions.**

The following words and phrases have the meanings ascribed to them when used in this Ordinance:

- (a) *Administrative Rules* means the administrative rules for medical marihuana facilities issued by LARA on or about November 27, 2018.
- (b) *Co-location or co-located* means the siting and operation of a combination of multiple facilities or facility types at a single location.
- (c) *Equivalent licenses* means any of the following held by a single licensee:
  - 1. A medical marihuana grower license, of any class, issued under the act and a grower license, of any class, issued under the MRTMA.
  - 2. A medical marihuana processor license issued under the act and a processor license issued under the MRTMA.
  - 3. A medical marihuana provisioning center license issued under the act and a retailer license issued under the MRTMA.
  - 4. A medical marihuana secure transporter license issued under the act and a secure transporter license issued under the MRTMA.
  - 5. A medical marihuana safety compliance facility license issued under the act and a safety compliance facility license issued under the MRTMA.
- (d) *LARA* means the Department of Licensing and Regulatory Affairs and any successor department or agency within the department, including the Bureau of Medical Marihuana Regulation, Medical Marihuana Licensing Board, and/or the Marihuana Regulatory Agency.
- (e) *Licensee* means a person holding a state operating license for a medical marihuana facility.
- (f) *Marihuana* means all parts of the plant genus cannabis, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or

cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp.

- (g) *Medical marihuana facility* means a medical marihuana grower, medical marihuana safety compliance facility, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or any other type of medical marihuana-related business licensed by LARA under the MMFLA.
- (h) *Medical marihuana grower* means a commercial entity located in this state and licensed by LARA that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- (i) *Marihuana processor* means a commercial entity located in this state and licensed by LARA that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- (j) *Medical marihuana provisioning center* means a commercial entity located in this state and licensed by LARA 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 medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through LARA's medical marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this Ordinance.
- (k) *Medical marihuana secure transporter* means a commercial entity located in this state and licensed by LARA that stores marihuana and transports marihuana between marihuana facilities for a fee.
- (l) *Medical marihuana safety compliance facility* means a commercial entity licensed by LARA that takes marihuana from a medical marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.
- (m) *MMMA* means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26424 *et seq.*
- (n) *MMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (o) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*

- (p) *Prequalification step* or *prequalified* means the portion of the application for a state operating license pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons.
- (q) *Stacked grower license* means more than 1 state operating license issued to a single licensee to operate as a grower of class C-1,500 marihuana plants as specified in each license at a facility.
- (r) *State operating license* or, unless the context requires a different meaning, "*license*" means a license that is issued by LARA under the MMFLA that allows the licensee to operate a medical marihuana facility.

## **Section 2. Authorized Facilities.**

- (a) *Authorization and special use permit required.* No person shall operate a medical marihuana facility in the Village without an authorization issued by the Village pursuant to the provisions of this Ordinance and a special use permit pursuant to this Ordinance and the Village Zoning Ordinance.
- (b) *Number of facilities eligible for authorization.* The following numbers of medical marihuana facilities may be authorized to operate in the Village, subject to this Ordinance:
  - (1) Growers operating under Class A licenses (unlimited);
  - (2) Growers operating under Class B licenses (unlimited);
  - (3) Growers operating under Class C licenses (unlimited);
  - (4) Provisioning centers (unlimited);
  - (5) Processors (unlimited);
  - (6) Secure transporters (unlimited);
  - (7) Safety compliance facilities (unlimited);
- (c) *Co-location and stacked licenses.* Co-location and stacked grower licenses are permitted in the Village.
- (d) *Final authorization from Village required.* The authorization process described in this Ordinance determines the locations in the Village at which facilities may operate. A proposed facility is not eligible to operate until the Treasurer grants final authorization and until the applicant receives a special use permit under the Village Zoning Ordinance and all required approvals and licenses from LARA.

### **Section 3. Application for Authorization.**

- (a) *Required Application Materials.* An application is not considered complete until all of the following are received by the Village Treasurer:
- (1) A nonrefundable application fee in an amount established by resolution of the Village Council.
  - (2) An advance of the annual administrative fee established in Section 5(d).
  - (3) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, and officers of the proposed facility.
  - (4) A signed application (available in the Treasurer's office), which must include all of the following information and documents:
    - (A) 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, including administrative contact information;
    - (B) 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, including designation of the highest ranking representative as an administrative contact person; contact information for the administrative contact person; 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;
    - (C) The address, tax identification number, and current zoning designations of the property on which the proposed medical marihuana facility will be located;
    - (D) The name and address of the current property owner of record of the property on which the proposed medical marihuana establishment will be located;
    - (E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's signature.

- a. An applicant may submit applications for multiple properties.
    - b. However, only one application shall be submitted per proposed medical marihuana establishment property.
  - (F) The proposed facility type;
  - (G) A complete list of all marihuana permits and licenses held by the applicant;
  - (H) Written consent for the Village to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations;
  - (I) A location area map of the proposed marihuana facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana facility's building) to the closest real property comprising a public or private elementary, vocational, or secondary school;
  - (J) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MMFLA (including documents submitted for prequalification);
  - (K) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MRTMA, if applicable;
  - (L) A copy of all documents issued by LARA indicating that the applicant has been prequalified for a state operating license under the MMFLA;
  - (M) Any other information reasonably requested by the Village relevant to the processing or consideration of the application.
- (b) *Treasurer action upon receipt.* The Treasurer will accept and receive any complete application that includes the information and documents required by Section 3(a). Upon receiving a complete application, the Treasurer will time- and date-stamp the application.
  - (c) *Final authorization.* The Treasurer will grant final authorization for the facility if the applicant:
    - (1) Submits the paperwork for the facility-specific step of the application for a state operating license to LARA within 60 days after receiving a certificate of occupancy for the facility;

- (2) Submits an application for special use authorization pursuant to the Village Zoning Ordinance within 30 days of submitting the application;
  - (3) Obtains special use authorization within 6 months of submitting the application;
  - (4) Receives all required operating licenses and approvals from LARA within 18 months after submitting the application; and
  - (5) Otherwise complies with all Village rules and regulations.
  - (6) The Village Council may extend any of the deadlines upon a showing of good cause.
- (d) *Equivalent Licenses.* Equivalent licenses may be operated at the same location within Village, subject to this Ordinance and to the extent permitted by state law.
- a. When a licensee holds equivalent licenses for a single property, each facility or establishment counts as a separate facility or establishment.
  - b. Each licensed facility or establishment must meet all other requirements of this Ordinance, other Village ordinances, and the Village Zoning Ordinance. A separate application, application fee, and annual fee are required for each proposed licensed facility or establishment with equivalent licenses.

#### **Section 4. Relocation of Facilities, Transfers of Licenses, and Expansion of Grow Operations.**

- (a) An existing facility may be moved to a new location in the Village, subject to applicable zoning regulations, prior Village Council approval, and approval by LARA. In deciding whether to approve a new location for an existing facility, the Village Council shall consider the following nonexclusive factors:
  - a. The impact of the facility's new location on traffic, parking, public safety, noise, and aesthetics;
  - b. The impact of the facility's new location on the community as a whole; and
  - c. The existing facility's compliance with Village ordinances and with state law and administrative rules.
- (b) A license for an existing facility may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by Village Council and LARA.
- (c) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to class C), subject to all the limitations set forth in this

Ordinance. To do so, the licensee must submit a new application to the Village satisfying the requirements in this Ordinance, which shall include payment of the application fee and an advance of any additional annual administrative fee.

## **Section 5. General Regulations.**

- (a) *Submission of supplementary information to the Village.* Applicants for Village authorization and persons operating existing facilities in the Village must provide the Village Treasurer with copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the Treasurer within 7 days of submission to LARA, and may be submitted electronically to the Village unless otherwise requested by the Treasurer.
- (b) *Compliance with applicable laws and regulations.* Medical marihuana facilities must be operated in compliance with the MMFLA, MMFLA administrative rules, all conditions of the facility's state operating licenses, and all applicable Village ordinances. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any facility. It shall be a violation of this Ordinance to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marihuana on or within a premise in violation of this section:
  - (1) The person had control over the premises or the portion of the premises where the marihuana was consumed;
  - (2) The person knew or reasonably should have known that the marihuana was consumed; and
  - (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay a fee of \$5,000, for each license used within the Village in order to help defray administrative and enforcement costs. The initial annual fee(s) must be paid to the Village Treasurer when the application for Village approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license. The amount of the annual fee may be reduced by resolution of Village Council, without an amendment to this Ordinance.

## **Section 6. Violations.**

- (a) *Request for revocation of state operating license.* If at any time an authorized facility violates this Ordinance or any other applicable Village ordinance, the Village Council may request that LARA revoke or refrain from renewing the facility's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this Ordinance. A violation of this Ordinance is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines:
  - (1) First violation = \$500
  - (2) Second offense = \$2,500
  - (3) Each subsequent offense = \$5,000
- (c) *Other remedies.* The foregoing sanctions are in addition to the Village's right to seek other appropriate and proper remedies, including actions in law or equity.

**Section 7. Effective Date.**

This Ordinance shall become effective upon the earlier of the date of publication or twenty days following its adoption.

**Section 8. Repeal.**

Any ordinance inconsistent with this Ordinance shall be repealed but only to the extent necessary to give this Ordinance full force and effect.

YEAS: Council Member(s) Doll, Klutman, Mulnix, Simmons, Whorley, Darby

NAYS: Council Member(s) Hoopen

ABSTAIN: Council Member(s) None

ABSENT: Council Member(s) None

**CERTIFICATION**

As the Village Deputy Clerk of the Village of Saranac, Ionia County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Village Council at a regular meeting held on 10/12, 2020.



Date: 10/12, 2020

Shawn L Dewey  
Village President

Date: 10/12, 2020

Betsy Straubel  
Village Deputy Clerk

Introduced: 10/12, 2020

Adopted: 10/12, 2020

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