



IVAN BOYNTON MUNICIPAL OFFICES

VILLAGE OF UNION CITY

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ORDINANCE #95.00

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES.

Section 1. Purpose

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the Village of Union City and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the Village through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility permit. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana

Facilities Licensing Act.

- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- E. "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- G. "Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- H. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. "Processor" means a licensee that is a commercial entity located in Michigan 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.
- J. "Provisioning center" means a licensee that is a commercial entity located in Michigan 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 in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this ordinance.
- K. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver,

tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

L. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Section 3. Authorization of Facilities and Fee

A. The maximum number of each type of marihuana facility allowed in the Village shall be as follows:

Facility	Number
Grower	15 Class C Licenses
Processor	5
Secure Transporter	2
Safety Compliance Facility	5

The Village of Union City does not allow Provisioning Centers

B. At least every three years after adoption of this ordinance, Council shall review the maximum number of each type of facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Council.

C. A nonrefundable fee shall be paid by each marihuana facility permitted under this ordinance in an annual amount of \$5,000.00.

D. Once the limit is reached no further applications will be accepted and existing applications will be held in the order received when a permit becomes available. Applications older than 12 months must be resubmitted with updated information in order to be considered for any permit which becomes available.

E. Any permit issued must be established and a certificate of occupancy issued within 6 months, or the permit will expire if the use is not established within the required time.

F. Zoning approval shall be required prior to issuance of any permit. Zoning approval does not guarantee a permit for any proposed facility or growing operation.

Section 4. Operation at same location- grower, and processor

- A. Any combination of the following types of operating permits may operate as separate marihuana facilities at the same location: grower, and processor.
- B. To operate at a same location all of the following apply:
 - 1. The state has authorized the proposed operation at the same location;
 - 2. The operation at a same location shall not be in violation of any Village ordinances or regulations;
 - 3. Each marihuana facility shall do all of the following:
 - a. Apply for and be granted separate state and village operating licenses and permits;
 - b. Have distinct and identifiable area with designated structures that are contiguous and specific to the operating license;
 - c. Have separate entrances and exits, inventory, record keeping and point of sale operations, if applicable;
 - d. Post the state and village licenses and permits on the wall in a distinct area and as provided in this ordinance
 - e. Have the required inspections and permits for each building.

Section 5. Requirements and Procedure for Issuing License

- A. No person shall operate a marihuana facility in the Village without a valid marihuana facility permit issued by the Village pursuant to the provisions of this ordinance.
- B. Every applicant for a permit to operate a marihuana facility shall file an application in the Village Manager's office upon a form provided by the Village. The Village shall adopt an application and review process that includes all of the required information and details the licensing approval process.
- C. Every applicant for a permit to operate a marihuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. Applicants must have completed and received pre-approval from the State of Michigan prior to applying for a permit from the Village.
- D. Applicants that have submitted a complete application for a permit type that is available to award shall receive a provisional permit.

- E. A provisional permit means only that the applicant has submitted a valid application for a marihuana facility permit, and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Village. A provisional permit will lapse and be void if such permits and approvals are not obtained in 6 months.
- F. Upon submission of an approved license from the State of Michigan, the Village shall issue a permit and operations may begin at a site for which site plan approval has been received.
- G. Maintaining a valid marihuana facility license issued by the state is a Condition for the issuance and maintenance of a marihuana facility permit under this ordinance and continued operation of any marihuana facility.
- H. A marihuana facility permit issued under this ordinance is not transferable.

Section 6. Inspections

Through submission of an application, applicants certify that the Union City Police Department is authorized to inspect the premises for purposes of determining compliance with state and local laws and consent to such inspection, without need of a search warrant. Applicants also consent to provide access to surveillance and security cameras, along with any and all recordings from the required systems, without need of a search warrant.

Section 7. Permit Renewal

- A. A marihuana facility permit shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility permit may be renewed on an annual basis by submitting a renewal application upon a form provided by the Village and payment of the annual permit fee. Application to renew a marihuana facility permit shall be filed at least thirty (30) days prior to the date of its expiration.

Section 8. Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this ordinance.

Section 9. Penalties and Enforcement.

- A. Any person who violates any of the provisions of this Ordinance shall have their permit revoked.

- B. This Ordinance shall be enforced and administered by the Village Manager, Assistant Village Manager, Police Chief, or such other village official as may be designated from time to time by resolution of the Village council.
- C. If an applicant or permittee fails to comply with this ordinance, zoning ordinance 300.1850, if a permit no longer meets the eligibility requirements for a permit under this ordinance, or if an applicant or permittee fails to provide information the village requests to assist in any investigation or inquiry, the village may deny, suspend, or revoke a permit.
- D. The Village Manager and/or Assistant Village Manager may suspend a permit without notice or hearing upon a determination that the safety or health of patrons, public or employees is jeopardized by continuing a marihuana facility's operation. If the permit is suspended without notice or hearing, a prompt post suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the Village Manager and/or Assistant Village Manager determines that the cause for suspension has been abated. The Village Manager and/or Assistant Village Manager may revoke the permit upon a determination that the permittee has not abated the issue within 30 days. A permit will automatically be revoked upon revocation or denial of a license under the Medical Marihuana Facilities License Act by the State.
- E. Any party aggrieved by an action of the Village Manager and/or Assistant Village Manager suspending or revoking a permit shall be given a hearing before the Village Council upon request. A request for a hearing must be made to the Village Clerk's Office, in writing within 21 days after service of notice of the action of the Village Manager and/or Assistant Manager.

Section 11. 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 12. Effective Date

This Ordinance shall take effect twenty-one (21) days after publication in accordance with law.