

MEDICAL MARIHUANA FACILITIES LICENSING ORDINANCE

(Adopted December 4, 2017, Amended January 8, 2018)

Sec. 18-406

- 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 5.
 - 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 as set forth in the City of Center Line

Ordinance No. 402 “Medical Marihuana Facilities”, subject to the following conditions and set-back requirements below:

1. Except for Facilities qualifying as Secure Transport Facilities or Secure Transporters and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical marijuana.
 2. 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 Transport Facilities or Secure Transporters and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities 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 Transport Facilities or Secure Transporters and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities 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 \$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. The City Council shall determine, in its lawful discretion, which applicants shall receive Permits and, upon such determination, the City shall issue written Permits. 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 City an annual inspection fee of \$2,500 to cover the cost of such inspections. In addition to the foregoing annual inspections, 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 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. 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

Article V. - Ordinance No. 402

MEDICAL MARIHUANA FACILITIES

(Adopted November 7, 2016, Amended January 8, 2018)

Chapter 18 "Businesses"

Article V. "Medical Marijuana Facilities"

Section 18-401 –Definitions.

The following words shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Act" shall mean the Michigan Medical Marihuana Act, Act 283 of 2008 and amended in 2016, MCL 333.26421, *et. seq.*

"City" means the City of Center Line.

"Marijuana" means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

"Medical Marijuana Facility" means a facility occupied by more than one Primary Caregiver.

"Medical Use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered "qualifying patients" debilitating medical condition.

"Primary Caregiver" means a person who is registered with the State of Michigan Department of Community Health to assist "Qualifying Patients," with the medical use of medical marijuana.

"Qualifying Patient" means a person who has obtained a valid registration card from the Michigan Department of Community Health allowing them to possess and purchase medical marijuana.

Sec. 18-402 - Purpose and intent.

Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession on marijuana not in strict compliance with that Act and the General Rules.

Also, since Federal law is not affected by that Act or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, Primary Caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

It is determined necessary for health, safety and welfare of the City to adopt this article regulating the location and operation of registered "Primary Caregivers" due to the following factors:

- (1) It is in the public welfare to establish local standards to ensure that the procedures utilized under the Michigan Medical Marihuana Act are compatible with the character of the community.
- (2) The location of, and easy access to, registered "Primary Caregivers" in close proximity to homes, apartments, schools, churches, licensed day care centers and public parks give an impression of legitimacy to such uses have adverse effects upon children, established family relations, property values and public safety.
- (3) The regulation is intended to preserve the character of the community, and protect the citizens from any dangers associated with the growth of the medical marihuana.
- (4) Outside the purview of the Michigan Medical Marihuana Act the possession and use of marihuana (a Schedule I Drug) in the State of Michigan remains a misdemeanor offense. Possession with intent to deliver, delivery or manufacture of marihuana, remains felonies.
- (5) Marihuana is classified federally as a "Schedule I Drug" under the Controlled Substances Act and is illegal to possess, manufacture, distribute or dispense. Schedule I Drugs have a high potential for abuse and serve no legitimate medical purpose in the United States.

Sec. 18-403 - General.

(a) A Primary Caregiver may grow, store, manufacture and cultivate medical marijuana in a residential district for not more than five Qualifying Patients and the Primary Caregiver only, subject to the following conditions:

(1) The Primary Caregiver or the Qualifying Patient must live in and be the permanent resident of the dwelling. Not more than one Primary Caregiver shall be permitted to service Qualifying Patients in a dwelling;

(2) The activity is solely confined to the areas of a residential property as provided for in the Michigan Medical Marihuana Act;

(3) No marijuana is sold or offered for sale on the premises, except as is produced on the premises by the Primary Caregiver for the Qualifying Patient(s) only;

(4) No internal or external alterations or construction features or equipment, not customarily found in residential areas, are permitted;

(5) Space for the activity shall not occupy more than 400 square feet of the dwelling;

(6) No sign advertising the activity shall be displayed;

(7) The activity shall not generate noise or odors offensive to the neighborhood;

(8) The activity shall not interfere with the permitted uses in the neighborhood or make the premises unsuitable for residential use;

(9) The activity will not cause a reduction in property values in the area;

(10) The dwelling of a registered Primary Caregiver must be located outside of a 400-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;

(11) The dwelling shall not be within 400 feet of the property line of any church, house of worship or other religious facility or institution;

(12) The dwelling shall not be within 400 feet of any public park, publicly owned building or recreational area commonly used by children; and

(13) The dwelling shall not be within 400 feet of another "Primary Caregiver".

- (14) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 9 p.m. to 9 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

Sec. 18-404 - Medical Marijuana Facility Requirements.

The operation of a Medical Marijuana Facility is subject to the following requirements:

- (1) A Medical Marijuana Facility shall be located in a building only within the M-1 or M-2 zoning districts as set forth in Center Line's Zoning Ordinance, subject to the following conditions and setbacks:
 - (a) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical marijuana.
 - (b) 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.
 - (c) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from the property line of any church, house of worship or other religious facility or institution.
 - (d) Except for a Medical Marijuana Facility qualifying as Secure Transport Facilities or Secure Transporters, and Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Medical Marijuana Facility or Facilities must be 200 feet or more from of any public park, publicly owned building or recreational area commonly used by minor children.
- (2) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act of 2008 (MCL 333.26421) and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (3) All Primary Caregivers must possess a valid registration card issued by the Michigan Department of Community Health and shall at all times comply with each and every provision of the Michigan Medical Marihuana Act.

- (4) The Medical Marihuana Facility shall obtain, and at all times maintain a City of Center Line business license under Sec. 18-76, Chapter 18 before providing care.
- (5) The hours of operation shall be restricted to between 9 a.m. and 9 p.m., Monday thru Sunday.
- (6) The Medical Marihuana Facility shall be subject to inspection by law enforcement, city building officials and members of the Michigan Department of Community Health during the hours of operation.
- (7) The portion of the Medical Marihuana Facility, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with the applicable Michigan Fire Protection Code.
- (8) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the Medical Marijuana Facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- (9) No alcoholic beverage shall be sold, conveyed or consumed on the premises of any Medical Marijuana Facility. Nor shall any person be present on the premises of a Medical Marijuana Facility while intoxicated and/or under the influence of alcohol or any controlled substance.
- (10) Persons under the age of 18 years of age are not permitted to be on the premises of any Medical Marijuana Facility unless they possess a valid medical marijuana registry card issued by the State of Michigan or another state.
- (11) A Primary Caregiver must maintain a list of its Qualifying Patients by registration number with the State of Michigan. This list is subject to inspection during business hours by members of law enforcement and by members of the Michigan Department of Community Health.
- (12) All litter must be removed from the premises, including the parking lot, sidewalk and all areas visible to the public at least twice daily.
- (13) It shall be in violation of this ordinance for any Primary Caregiver to employ any person to assist in the growth, storage, manufacture or cultivation of marijuana.

(14) Every Primary Caregiver must comply with all local, county and state laws. No marihuana shall be grown or dispensed in any location within the City of Center Line except in strict compliance with the terms and conditions of this Ordinance.

(15) Each Primary Caregiver shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, storage and destruction of evidence, and any other unspecified costs for the failure to comply with the provisions of this article resulting in the arrest and prosecution of any employees, owners or patrons.

Sec. 18-405. - Criminal penalty.

Any person violating any of the provisions of this article and any of the articles stated within, shall upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than \$250 and up to 90 days in jail, plus the revocation of the business license issued by the City.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-13 of the Code of Ordinances of the City of Center Line, unless a different penalty is expressly provided in this ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Center Line inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Center Line this 7th day of November, 2016, became effective November 26, 2016.