

**VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN
ORDINANCE NO. 2019-01**

At a regular meeting of the Village Council held at the Village offices on October 21, 2019, beginning at 7:04 p.m., the following Ordinance was offered for adoption by Council Member Tonia Parkhurst, and was seconded by President Quinlan:

**AN ORDINANCE TO ALLOW ISSUANCE OF VILLAGE PERMITS,
LICENSES OR APPROVALS FOR COMMERCIAL
MARIHUANA ESTABLISHMENTS**

THE VILLAGE OF SAND LAKE ORDAINS:

§ 1. Title.

This chapter shall be known and cited as the “Village of Sand Lake Commercial Marihuana Establishment Ordinance.”

§ 2. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:
1. “Act” means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 *et seq.*
 2. “Village” means the Village of Sand Lake.
 3. “Clerk” means the clerk of the Village of Sand Lake.
 4. “Council” means the Village Council of the Village of Sand Lake.
 5. “Department” means the Michigan Department of Licensing and Regulatory Affairs or its successor agency.
 6. “Franchise” means a cannabis business who, by government license, has been granted the right to operate a cannabis business, along with its products, branding and knowledge for a fee.
 7. “Marihuana Establishment” means a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of business licensed by the Department to operate under the Act.
 8. “Marihuana Grower” means a person licensed by the Department to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.

9. “Marihuana Microbusiness” means a person licensed by the Department to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other Marihuana Establishments.
10. “Marihuana Processor” means a person licensed by the Department to obtain marihuana from Marihuana Establishments; process and package marihuana; and sell or otherwise transfer marihuana to Marihuana Establishments.
11. “Marihuana Retailer” means a person licensed by the Department to obtain marihuana from Marihuana Establishments and to sell or otherwise transfer marihuana to Marihuana Establishments and to individuals who are 21 years of age or older.
12. “Marihuana Safety Compliance Facility” means a person licensed by the Department to test marihuana, including certification for potency and the presence of contaminants.
13. “Marihuana Secure Transporter” means a person licensed by the Department to obtain marihuana from Marihuana Establishments in order to transport marihuana to Marihuana Establishments.
14. “Ordinance” means this corpus and any amendments thereto.
15. “Person” means any firm, person, partnership, association, corporation, company, or legal entity of any kind.
16. “President” means the President of the Village of Sand Lake.
17. “Village Resident” means a person whose primary, year round residence is located within the Village of Sand Lake limits.

§ 3. Operation Without a Permit.

- A. No person shall operate a Marihuana Establishment in the Village without first obtaining a permit to do so from the Council.
- B. The Council may establish, by resolution, an appropriate nonrefundable permit application fee, not to exceed five thousand dollars (\$5,000.00), to help defray application and administrative costs.
- C. The Village shall issue no more than a total of two (2) permits for Marihuana Establishments in the Village. The Village shall only issue a permit for a Marihuana Microbusiness or a Marihuana Retailer.
- D. The Village shall only issue a permit to an established Franchise.

§ 4. Permit Application Submission.

- A. Applications for a permit shall be made in writing to the Council. All completed applications submitted to the Council shall be considered for issuance of a permit. Village Residents shall have priority over all other applicants. All other completed applications shall be considered in the order in which received by the Council.
- B. An application for a permit required by this Ordinance shall be made under oath on forms provided by the Village, and shall be deemed to be complete only if it contains all of the following:
 - 1. The appropriate nonrefundable permit fee in the amount set by Council resolution pursuant to Section 3;
 - 2. If the applicant is an individual, the applicant's name, date of birth, mailing address, email address, and one or more phone numbers;
 - 3. If the applicant is an entity, the names, dates of birth, mailing addresses, email addresses, and one or more phone numbers of each individual with an ownership interest, including designation of one such individual as the primary point of contact;
 - 4. The name and physical address of the proposed Marihuana Establishment; and
 - 5. One of the following: (a) proof of ownership of the entire premises wherein the Marihuana Establishment is to be operated; or (b) written consent from the property owner for the use of the premises in a manner requiring licensure under the Act along with a copy of the lease for the premises.
- C. Nothing in this Ordinance shall be read as prohibiting a person from obtaining multiple permits under this Ordinance. An individual or entity must apply for a permit for each Marihuana Establishment that the individual or entity intends to operate in the Village.
- D. Nothing in this Ordinance shall be read as prohibiting a Marihuana Retailer from operating at the same location as a medical marihuana facility operating pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 *et seq.*
- E. To the extent permissible, all information submitted in conjunction with an application under this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 *et seq.*

§ 5. Permit Application Evaluation.

- A. Upon receipt of a completed application meeting the requirements of this Ordinance and confirmation that the number of existing permits does not exceed the maximum number established by this Ordinance, the President shall refer a copy of the application to each of the following for their approval: the Council, Zoning & Ordinance Administrator, the Building Inspector, the Electrical Inspector, and the Mechanical & Plumbing Inspector.

- B. No application shall be approved unless:
 - 1. The Council and Zoning & Planning Administrator has confirmed that the proposed location complies with this Ordinance and the Zoning Code; and
 - 2. The Building Inspector, Electrical Inspector, and the Mechanical & Plumbing Inspector have inspected the proposed location for compliance with all laws and ordinances for which they are charged with enforcement.
- C. If written approval is given by each individual identified in subsection B, the Council shall direct the President to issue a permit to the applicant.
- D. Permits issued under this Ordinance may not be transferred to another person without the approval of the Council. For purposes of this subsection, a change in, transfer of, or acquisition of control of the permittee is not considered to be a transfer. In order to receive approval to transfer a permit to a different person, the permittee must make a written request to the Council, indicating the current permittee and the proposed permittee. The Council shall approve the transfer of a permit to a different person if the Department approves the transfer.
- E. Permits issued under this Ordinance may not be transferred to a different location without the approval of the Council. In order to receive approval to transfer a permit to a different location, the permittee must make a written request to the Council, indicating the current location and the proposed location. The President shall refer a copy of the application to each of the following for their approval: the Council, Zoning & Planning Administrator, the Building Inspector, the Electrical Inspector, and the Mechanical & Plumbing Inspector. The Council shall approve an application to transfer a license to a different location if:
 - 1. The Zoning & Planning Administrator has confirmed that the proposed new location complies with this Ordinance and the Zoning Code; and
 - 2. The Building Inspector, the Electrical Inspector, and the Mechanical & Plumbing Inspector have confirmed that the proposed new location for compliance with all laws and ordinances for which they are charged with enforcement.

§ 6. Permits Generally.

- A. No consumption of marihuana shall be permitted on the premises of a Marihuana Establishment, and a sign shall be posted on the premises of each Marihuana Establishment indicating that consumption is prohibited on the premises.
- B. The permit required by this Ordinance shall be prominently displayed on the premises of the Marihuana Establishment.
- C. A Marihuana Establishment receiving a permit under this Ordinance shall be subject to inspection by either the Village Law Enforcement Agency or any Law Enforcement Agency under contract with the Village at any time.

- D. All necessary building, electrical, plumbing, and/or mechanical permits shall be obtained from the Village or other applicable governmental authority.
- E. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including, but not limited to:
 - 1. Maintaining adequate personal cleanliness.
 - 2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
 - 3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.
- F. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- G. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- H. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste becoming an attractant, harborage, or breeding place for pests.
- I. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
- J. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of those microorganisms.
- K. Marihuana Establishments shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- L. A Marihuana Establishment shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings from such systems shall be maintained in a secure, off-site location for a period of fourteen (14) days.
- M. No Marihuana Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Establishment is operated.
- N. Disposal of marihuana shall be accomplished by a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with the Act and the rules promulgated thereunder.

- O. It shall be prohibited to display any signs that are inconsistent with this Ordinance, local ordinances, the Act, or rules promulgated thereunder.
- P. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- Q. No Marihuana Establishment shall be located within an area zoned exclusively for residential use or within 1,000 feet of a pre-existing public or private school.
- R. All distances under this Ordinance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location of the Marihuana Establishment and from the part of the Marihuana Establishment nearest to the school building.
- S. Any Marihuana Secure Transporter who has been granted a license under the Act may transport marihuana or money associated with the purchase or sale of marihuana through the Village, but may not store marihuana or money associated with the purchase or sale of marihuana in the Village.
- T. In addition to the permit application fee established in Section 3, the Council may establish, by resolution, an appropriate nonrefundable annual permit fee, not to exceed five thousand dollars (\$5,000.00), to help defray application, administrative, and enforcement costs associated with the operation of Marihuana Establishments in the Village.
- U. An applicant or permittee shall notify the Clerk of any changes in the information submitted in Section 4(B) within two (2) business days of such changes occurring.

§ 7. Permit Renewal

- A. The term of each permit shall be one year. Within thirty (30) days of the expiration of a permit, the permittee shall apply to renew its permit. Applications to renew a permit shall be made in writing to the Council. If a permittee fails to file an application to renew a permit prior to the date that the permit expires, the permit shall be deemed forfeited.
- B. An application to renew a permit required by this Ordinance shall be made under oath on forms provided by the Village, and shall contain substantially the same information as required in Section 4(B), as well as the appropriate nonrefundable annual permit fee in the amount set by Council resolution pursuant to Section 6(U).
- C. Unless the Council finds that denial of a renewal application is warranted pursuant to Section 12, the Council shall instruct the President to grant a renewal permit to a permittee as long as the permittee has a valid state license issued by the Department to operate that Marihuana Establishment.

§ 8. Marihuana Retailer.

- A. A Marihuana Retailer shall be limited to the Local Business District pursuant to the Zoning Ordinance of Village.
- B. No Marihuana Retailer shall be open between the hours of 10:00 p.m. and 8:00 a.m.
- C. A Marihuana Retailer shall not permit a person under twenty-one (21) years of age on its premises.

§ 9. Marihuana Microbusiness.

- A. A Marihuana Microbusiness shall be limited to the Local Business District pursuant to the Zoning Ordinance of Village.
- B. A Marihuana Microbusiness may operate twenty-four (24) hours a day, seven (7) days a week, but may only be open to the public between the hours of 8:00 a.m. and 10:00 p.m.
- C. A Marihuana Microbusiness shall not permit a person under twenty-one (21) years of age on its premises.

§ 10. Denial and Revocation.

- A. An initial or renewal permit application shall be denied if it does not meet the requirements of this Ordinance.
- B. A permit issued under this Ordinance may be revoked after an administrative hearing at which the Council determines that any grounds for revocation under subsection C exist. Notice of the time and place of the hearing and the grounds for revocation must be given to the permittee at least seven (7) calendar days prior to the date of the hearing, by first class mail, to the address given on the permit application.
- C. A permit issued under this Ordinance may be revoked for a violation of this Ordinance. If a permit issued under this Ordinance is revoked, the Clerk shall notify the Department of the revocation within seven (7) calendar days.

§ 11. No Vested Rights.

A property owner, lessor, permit applicant, or permittee shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance.

§ 12. Penalties.

Any person in violation of any provision of this Ordinance or any provision of a permit issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each violation. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

§ 13. Severability.

Nothing in this Ordinance is intended to limit an individual's or entity's rights under the Act. The Act or the rules promulgated thereunder supersede this Ordinance where this is a conflict between them. This Ordinance and various parts, sections and clauses thereof, are hereby declared severable. If any parts, sections, paragraphs or clauses are adjudged invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

§ 14. Publication.

The Clerk shall publish a summary of this ordinance in the manner provided by law which summary shall make known that a complete copy of the ordinance is available at the office of the Clerk for inspection by the public at all times.

§ 15. Effective Date.

This ordinance shall take effect twenty (20) days following its publication.

YEAS: Council member(s) – Glen Baker, Tonia Parkhurst, William Rau, Theresa Jerome, Tracy Quinlan and Rachel Gokey

NAYS: Council member – Marcia Helton

ABSTAIN: Council member(s) – NONE

ABSENT: Council member(s) – NONE

Approved: October 21, 2019

CERTIFICATION

I certify that this ordinance was adopted at a regular meeting of the Sand Lake Village Council held on October 21, 2019.

Rachel Gokey, Interim Clerk

Introduced:

Adopted: October 21, 2019

Published: October 31, 2019

Effective: November 20, 2019