

**VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN**

(Resolution No. 2024- 01)

At a regular meeting of the Village Council for the Village of Sand Lake held at Village Hall on January 22, 2024, at 7:00 p.m., the following Resolution was offered for adoption by Village Councilmember _____ and was seconded by Village Councilmember _____:

A RESOLUTION ADOPTING THE MARIHUANA LICENSING APPLICATION; THE RULES FOR MARIHUANA APPLICATIONS, LICENSING, AND APPEALS; AND THE MARIHUANA LICENSING FEE SCHEDULE FOR THE VILLAGE OF SAND LAKE

RECITALS

WHEREAS,

- A. On March 21, 2022, the Village Council adopted Ordinance No. 2022-02.03 entitled “AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES FOR THE VILLAGE OF SAND LAKE BY ADDING A NEW CHAPTER VI, SECTION 6.4 ENTITLED “MARIHUANA BUSINESSES.”
- B. Consistent with Chapter VI, Section 6.4, Subsection 6.4.2 of the Code of Ordinances for the Village of Sand Lake, the Village Council adopts the documents listed below.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

- 1. The following documents are adopted for use by the Village of Sand Lake.
 - a. The Village Marihuana Licensing Application.
 - b. The Rules for Marihuana Applications, Licensing, and Appeals.
 - c. The Marihuana Licensing Fee Schedule.
- 2. All prior applications, rules, and fee schedules are hereby repealed.
- 3. The above-listed documents will remain in effect until modified or repealed by resolution of the Village Council.
- 4. Resolution No.2022-02 is hereby repealed.
- 5. Any conflicting resolutions are hereby repealed to the extent of any conflict with this Resolution.

6. This Resolution is effective immediately.

The vote to adopt this Resolution was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

RESOLUTION IS HEREBY DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Resolution No. 2024-01 adopted by the Village Council for the Village of Sand Lake, Kent County, Michigan, at a meeting of the Village Council duly called and held on January 22, 2024.

By:

Donna Westerbrink
Village Clerk

**VILLAGE OF SAND LAKE
MARIHUANA APPLICATION**

Village Hall
2 E. Maple St.
Sand Lake, MI 49343

Donna Westerbrink – Village Clerk
Email: clerk@villageofsandlake.org
Phone: 616-636-8854

Office Use Only

Payment Accepted	Date:	Cash/ Check No.:
Application Accepted	Date:	Notes:
License Denied / Granted	Date	If denied, written statement of reasons for denial is required.

Section 1. Applicant Information

Individual [] Corporation [] LLC [] Other [] _____

Business Name	d/b/a (if any)	State ID No.	
Street Address	City	State	Zip

Establishment Information (Licensed Location)

Business Name			
Street Address	Village	State	Zip

Application Point of Contact

Name	Affiliation with Applicant	DOB	
Street Address	City	State	Zip
Phone	Phone	Email	

Section 2. Licensing Information

Initial Application [] Annual Renewal [] Entity Transfer []

License Type

Establishment (designate one)	
Recreational Marihuana Retailer	

State License / Prequalification Number _____ (if transfer list transferee prequalification number)

Section 3. Required Documents

Initial Application / Transfer

	State prequalification letter
	All Step 1 prequalification documents submitted to the MRA (main and supplemental applicants)
	Narrative describing how the establishment will comply with Village requirements.
	Additional documents (if any)

Annual Renewal

	State license
	Any updated documents submitted to the MRA
	Additional documents (if any)

NOTE: There is a continuing duty to provide the Village updated documentation within ten calendar days of any changes being made (this includes the submission of revised documentation to the MRA or the grant of a new license by the MRA). A copy of all Step 2 license application documents submitted to the MRA (main and supplemental applicants) and State operating license renewal documents must be submitted to the Village within ten calendar days of their submittal to the MRA. A copy of the State marihuana operating license must be provided to the Village within ten calendar days of its issuance.

Section 4. Required Payment

Payable by certified check or cash. Checks should be made out to the "Village of Sand Lake."

Initial application fee / annual renewal application fee/ transfer application fee is \$300 (due at time of application).

Licensing / license renewal fee is \$4,700 (due within ten calendar days of approval. No license will be issued until the fee is paid. Failure to timely pay the fee will result in the forfeiture of the Village license).

Section 5. Attestation and Affirmation

I, individually and on behalf of the applicant attest to and affirm the following:

1. That the applicant is not in default to the Village for the failure to pay any property taxes, special assessment, fines, fees, or other financial obligation.
2. That the applicant will report any changes to any information reported to the Village within ten days of such changes.
3. The applicant acknowledges and agrees that a Village license is a revocable privilege granted by the Village and is not a property right; that the application for a Village license, granting of a Village license, or the possession of a Village license does not create, grant, or vest any right, title, franchise, or other property interest; and that the Village may at any time cease authorizing, licensing, or renewing the licenses of marihuana establishments.
4. The applicant acknowledges and agrees that a Village license is issued exclusively to the licensee and any interest in a Village license is not transferable except as provided in Chapter VI, Section 6.4, Subsection 6.4.2 of the Code of Ordinances for the Village of Sand Lake.
5. The applicant will report any change in ownership interest to the Village within ten calendar days.
6. That, to the best of my knowledge and belief, all information contained herein is accurate and complete.

_____ Date _____
its _____

VILLAGE OF SAND LAKE
RULES FOR MARIHUANA APPLICATIONS, LICENSING, AND APPEALS

Consistent with Chapter VI, Section 6.4, Subsection 6.4.2 of the Village Code of Ordinances, the Village Council adopts the following rules regarding marihuana establishment applications, licensing, and appeals:

1. Key Terms. For the purpose of these rules, all other words or phrases will be defined pursuant to Chapter VI, Section 6.4, Subsection 6.4.2 of the Village Code of Ordinances.
2. Interpretation. These rules are to be interpreted in a manner consistent with State law, State regulatory rules, and Village ordinances.
3. Resource Availability.
 - a. The Village marihuana license application will be available at the Village Clerk's office and on the Village website.
 - b. These rules shall be available at the Village Clerk's office and on the Village website.
4. Initial Licensing Application.
 - a. All applications for a Village license will be made using the Village application form.
 - b. Unless otherwise authorized under Chapter VI, Section 6.4, Subsection 6.4.2 of the Village Code of Ordinances, applications will only be accepted during the application window.
 - c. Any application window may be extended, or a new application window opened by resolution of the Village Council.
 - d. All documents other than the application form must be typed.
 - e. The application must be submitted in hard copy with the required payment.
 - f. No application will be accepted without the accompanying required payment.
 - g. Only completed applications will be accepted. It is the applicant's responsibility to ensure that the application is complete.
 - h. Should an incomplete application be accepted, the Village Clerk will notify the applicant of any deficiencies so that they may be corrected. The applicant has fifteen calendar days from the notification of any deficiency to correct the deficiency. If the deficiency is not cured within fifteen calendar days, the application will be deemed to have been abandoned. The Village Clerk may extend the timeframe in which deficiencies are to be cured by no more than an additional fifteen calendar days.
 - i. The Village Clerk will verify that all applications are complete prior to submitting them to the Village Council.
 - j. The Village Clerk will submit all completed applications to the Village Council within thirty-five calendar days of receipt, or within thirty-five calendar days of the application window closing, whichever is later.
 - k. After receiving applications from the Village Clerk, the Village Council will schedule a review of each application.
 - l. At minimum, the review of each application will provide the applicant the ability to make a presentation to the Village Council and afford the public an opportunity to comment on the application.

- m. The Village Council will only make licensing determinations following the review of all applications in the application group.
 - n. When opening an application window, the Village Council will publish additional guidance regarding the criteria to be used in competitive licensing determinations.
 - o. Reasons for the denial of any license will be clearly stated in writing.
5. Application Window. As determined from time to time by resolution of the Village Council.
6. License Renewal Application.
- a. All applications for Village license renewal will be made using the Village application form.
 - b. All documents other than the application form must be typed.
 - c. The application must be submitted in hard copy with the required payment.
 - d. No application will be accepted without the accompanying required payment.
 - e. Only completed applications will be accepted. It is the applicant's responsibility to ensure the application is complete.
 - f. Should an incomplete application be accepted in error, the Village Clerk will notify the applicant of the deficiencies so that they may be corrected. The applicant has fifteen calendar days from the notification of any deficiency to correct the deficiency. If the deficiency is not cured within fifteen calendar days, the application will be deemed to have been abandoned. The Village Clerk may, extend the timeframe in which deficiencies are to be cured by no more than an additional fifteen calendar days.
 - g. The Village Clerk will verify that all applications are complete and that the applicant complies with all Village requirements prior to renewing a Village license.
 - h. The Village Clerk must clearly state in writing the reason for any denial.
7. Appeals.
- a. After receiving an appeal, the Village Clerk will verify that it was submitted timely and in writing.
 - b. The Village Clerk may reject untimely appeals and those not in writing.
 - c. All other appeals must be forwarded to the Village Council within fifteen calendar days of receipt.
 - d. At the first regularly scheduled Village Council meeting following the receipt of an appeal from the Village Clerk, the Village Council will set a hearing date for the appeal.
 - e. Unless adjourned for good cause, as determined by the Village Council, the hearing must take place within ninety calendar days of the first regularly scheduled Village Council meeting following the receipt of an appeal from the Village Clerk.
 - f. All decisions of the Village Council regarding an appeal will be issued in the form of a resolution.

These Rules are effective January 22, 2024.

VILLAGE COUNCIL
VILLAGE OF SAND LAKE

**VILLAGE OF SAND LAKE
MARIHUANA LICENSING FEE SCHEDULE**

Consistent Chapter VI, Section 6.4, Subsection 6.4.2 of the Village Code of Ordinances, the Village Council adopts the following fee schedule for Village marihuana establishment licensing:

1. Initial Application Fee: \$300
2. Licensing Fee (initial): \$4,700
3. Licenses Renewal Application Fee: \$300
4. Licensing Fee (following renewal): \$4,700
5. Entity Transfer Application Fee: \$300

All fees may be paid via cash or certified check made out to “Village of Sand Lake.”

Application fees are due at the time of application.

No Village license will be issued without the payment of the applicable licensing fee. Failure to pay the licensing fee in full within ten calendar days is deemed to be a forfeiture of the Village license.

This fee schedule is effective January 22, 2024.

VILLAGE COUNCIL
VILLAGE OF SAND LAKE

**VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN**

(Ordinance No. 2022-02.03)

At a regular meeting of the Village Council for the Village of Sand Lake held at Village Hall on March 21, 2022, at 7:00p.m., the following Ordinance was offered for adoption by Village Council member Kevin Wright and was seconded by Village Councilmember Mollie Doerr:

**AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES
FOR THE VILLAGE OF SAND LAKE BY ADDING A NEW CHAPTER
VI, SECTION 6.4 ENTITLED “MARIHUANA BUSINESSES.”**

THE VILLAGE OF SAND LAKE (the “Village”) ORDAINS:

Article 1. Addition of Section 6.4. That Chapter VI, Section 6.4 of the Code of Ordinances for the Village of Sand Lake entitled “Marihuana Businesses” is hereby added to read in its entirety as follows:

Section 6.4 Marihuana Businesses.

Subsection 6.4.1 Medical Marihuana.

6.4.1.1 General.

The Village of Sand Lake finds that it is in the public interest to prohibit the operation of medical marihuana facilities within its boundaries.

6.4.1.2 Prohibition.

Marihuana facilities as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended, are prohibited within the Village.

6.4.1.3 Violations and Penalties.

- A. A violation of subsection 6.4.1 constitutes a municipal civil infraction punishable by a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues constitutes a separate violation.
- C. Any violation of subsection 6.4.1 is declared to be a nuisance per se and is subject to abatement.

D. Nothing in subsection 6.4.1 precludes the Village from pursuing any other remedies available at law or equity.

6.4.1.4 Enforcement.

The Kent County Sherriff's Department, the Michigan State Police, the Village Ordinance Enforcement Officer, and any other individual or entity designated by resolution of the Village Council are authorized to enforce subsection 6.4.1.

Subsection 6.4.2 Recreational Marihuana.

6.4.2.1 General.

The Village of Sand Lake finds that it is in the public interest to allow the licensing and operation of limited and designated recreational marihuana establishments within its boundaries in a manner consistent with subsection 6.4.2, the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, and other applicable state and local laws, rules, and regulations.

6.4.2.2 Purpose.

The purpose of subsection 6.4.2 is to establish standards for the licensing of certain recreational marihuana establishments within the Village. It is the Village's intent, subject to conditions, to allow the licensing and operation of certain recreational marihuana establishments within its boundaries in order to:

- A. Promote the safe and regulated cultivation, processing, storage, testing, and sale of recreational marihuana;
- B. Provide safe access to recreational marihuana for eligible consumers;
- C. Discourage the sale of unsafe or unlicensed marihuana products;
- D. Preserve and protect the health, safety, and welfare of the residents of the Village and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of recreational marihuana establishments within the Village will be governed.

6.4.2.3 Definitions.

- A. Terms not defined in subsection 6.4.2 will be defined pursuant to the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
- B. Terms not defined in subsection 6.4.2 or in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, will be defined pursuant to the administrative rules regarding marihuana establishments as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- C. For the purpose of subsection 6.4.2, the following definitions will apply unless the context clearly indicates or requires otherwise:
 - (1) “Act” means the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
 - (2) “Marihuana establishment” means marihuana establishment as defined in the Act. This term includes designated consumption establishments and temporary marihuana events.
 - (3) “Marihuana retailer” means a marihuana retailer as defined in and regulated under the Act.
 - (4) “State operating license” means a marihuana establishment operating license granted by the State of Michigan pursuant to the Act.
 - (5) “Village license” means a Village marihuana establishment license issued under subsection 6.4.2.

6.4.2.4 Authorized Marihuana Establishments.

- A. Unless specifically authorized and licensed in accordance with the provisions of subsection 6.4.2, marihuana establishments are prohibited within the Village.
- B. Operation of a marihuana establishment requires a valid State operating license and a valid Village license.
- C. Marihuana establishments must be operated in compliance with all Village regulatory and zoning ordinances, rules, and regulations.
- D. Marihuana establishments must be operated in compliance with all State laws, rules, and regulations.

E. Village licenses for the following type of marihuana establishment may be granted for operation within the Village at any one time:

(1) Marihuana Retailer: Two (2) such licenses.

F. Subsection 6.4.2 does not apply to or regulate any protected patient or caregiver conduct under the Michigan Medical Marihuana Act, PA 1 of 2008 (MCL 333.26421 *et seq.*), as amended.

G. It is a condition of any Village license issued in accordance with subsection 6.4.2 that a Village license is a revocable privilege granted by the Village and is not a property right. The application for a Village license, granting of a Village licensee, or the possession of a Village license does not create, grant, or vest any right, title, franchise, or other property interest. The Village may at any time cease authorizing, licensing, or renewing the licenses of marihuana establishments. As a condition of licensure, the licensee must, in writing, acknowledge and agree to the provisions of this paragraph G.

6.4.2.5 Licensing Application.

A. All applications for a Village license must be filed with the Village Clerk utilizing and complying with the Village application, forms, and processes as adopted from time to time by resolution of the Village Council.

B. Neither the application for a Village license nor the granting of a Village license may be made until the applicant has been granted State of Michigan “prequalification” status.

C. Applications will only be accepted during the application window as determined from time to time by resolution of the Village Council.

D. The initial issuing of a Village license under subsection 6.4.2 is at the sole discretion of the Village Council. The Village Council will utilize the requirements of subsection 6.4.2 and the licensing rules adopted from time to time by resolution of the Village Council when making licensing determinations.

E. No Village license may be issued if the number of active Village licenses allowed under subsection 6.4.2 has been previously met.

F. All Village licenses automatically expire 365 calendar days from the date of issue.

G. The Village Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the Village Council. No application will be accepted without the full payment of the required fee.

- H. Upon the granting of authorization for a Village license, the Village Clerk will assess a non-refundable licensing fee in the amount set from time to time by resolution of the Village Council. No Village license will be issued without the full payment of the required fee. Failure to pay the licensing fee in full within 10 calendar days of eligibility will be considered a refusal and forfeiture of the Village license.
- I. No Village license will be issued to an applicant in default to the Village.

6.4.2.6 License Renewal.

- A. All applications for the renewal of a Village license must be filed with the Village Clerk utilizing and complying with the Village application, forms, and processes as adopted from time to time by resolution of the Village Council.
- B. Unless otherwise stated in subsection 6.4.2, Village license renewal applications must be submitted to the Village Clerk no earlier than 60 calendar days and no later than 30 calendar days before the Village license expires. Late applications will be subject to a late fee as determined from time to time by resolution of the Village Council
- C. No Village license will be renewed unless the marihuana establishment seeking renewal has a valid corresponding State operating license.
- D. Any applicant-licensee who submits a complete renewal application and complies with the requirements of subsection 6.4.2 will be issued a Village license renewal by the Village Clerk.
- E. The Village Clerk will state in writing the grounds for any denial of a Village license renewal.
- F. All Village licenses automatically expire 365 calendar days from the date of renewal.
- G. The Village Clerk will assess a non-refundable License application renewal fee in the amount set from time to time by resolution of the Village Council. No renewal application will be accepted without the full payment of the required fee.
- H. Upon the granting of authorization for the renewal of a Village license, the Village Clerk will assess a non-refundable licensing renewal fee in the amount set from time to time by resolution of the Village Council. No Village license will be issued without the full payment of the required fee. Failure to pay the license renewal fee in full within 10 calendar days of eligibility will be considered a refusal and forfeiture of the Village license.

- I. No Village license will be renewed if the applicant-licensee is in default to the Village.

6.4.2.7 Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary Village license, State operating licenses, and necessary approvals and permits will be eligible for licensing under subsection 6.4.2.
- B. All marihuana establishments are subject to inspection, with or without notice, at any time, by the Kent County Sherriff's Department, the Michigan State Police, the Village Ordinance Enforcement Officer, or any other individual or entity designated by resolution of the Village Council to enforce subsection 6.4.2
- C. At all times, marihuana establishments must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the Village, the State of Michigan, or any entity thereof.
- D. Each Village license is issued exclusively to the licensee and any interest in a Village license is not transferable except as provided herein. The stockholders of a corporation, members of a limited liability company (LLC), partners of a limited partnership (LP), or other individuals with an ownership interest in the licensee may transfer their ownership interest in the licensee provided such transfer is approved by the Marihuana Regulatory Agency or its successor agency. Any change in the ownership interest must be reported to the Village within ten (10) calendar days.
- E. Village licenses must be displayed at the licensed marihuana establishment in a manner clearly visible to the public.
- F. The issuance of a Village license under subsection 6.4.2 is in addition to, and not in lieu of, any other licensing or permitting required by the Village, the State of Michigan, or any entity thereof.
- G. Village licenses are not specific to any one location; however, applicants and licensees must notify the Village prior to any change in location.
- H. There is a continuing duty for applicants and licensees to provide the Village updated documentation within ten (10) calendar days. This includes, but is not limited to, any documentation submitted to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, or its successor agency, the issuance of any State operating license, or any change in documentation previously submitted to the Village.

- I. Applicants and licensees must self-report any violation or citation issued by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, or its successor agency, within 10 calendar days of the issuance of any violation or citation.

6.4.2.8 Licensing Terms.

A. Odor Emissions.

- (1) All marihuana establishments must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or any other odor related to the operation of the marihuana establishment outside of the marihuana establishment.
- (2) Any detectable odor of marihuana or any other odor related to the operation of the marihuana establishment outside of the marihuana establishment is prohibited.
- (3) Negative air pressure must be maintained inside the marihuana establishment.

6.4.2.9 Previous Permits and Licenses.

- A. As of the effective date of subsection 6.4.2, all currently valid Village permits for marihuana retailers issued under Ordinance No. 2019-01 are deemed to be valid Village licenses under subsection 6.4.2 for the duration of the term of the original permit.
- B. All Village permits issued for marihuana retailers under Ordinance No. 2019-01 deemed to be valid Village licenses pursuant to paragraph 6.4.2.9(A) are subject to the terms and conditions of subsection 6.4.2; however, such licensees are not required to comply with the requirements of paragraph 6.4.2.8 during the duration of the term of the original permit.
- C. All Village permits for marihuana retailers issued under Ordinance No. 2019-01 that are pending renewal as of the effective date of subsection 6.4.2, may submit an application for renewal pursuant paragraph 6.4.2.6; however, such renewal application is not required to comply with the requirements of paragraph 6.4.2.6(C). Such application must be submitted within sixty (60) calendar days of the effective date of subsection 6.4.2. Any previously paid renewal fees will be credited towards the fees required under subsection 6.4.2.

6.4.2.10 License Revocation.

- A. A Village license may be revoked by the Village Ordinance Enforcement Officer for any of the following reasons:

- (1) Fraud or misrepresentation contained in the State license or Village license applications.
 - (2) Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
 - (3) Revocation or suspension of a State operating license.
 - (4) Violation of subsection 6.4.2, or any rules, regulations, or terms of licensure promulgated by the Village Council.
 - (5) Violation of the Village Zoning Ordinance.
 - (6) Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.
- B. Prior to revocation, the Village Ordinance Enforcement Officer will hold a meeting with the licensee at which the licensee will be afforded an opportunity to be heard and present all relevant evidence.

6.4.2.11 Appeals.

- A. Any applicant who is denied a Village license, applicant-licensee whose Village license is not renewed, or a licensee whose Village license is revoked may appeal such decision to the Village Council. The appeal must be submitted to the Village Clerk within thirty (30) calendar days of the denial, denial of renewal, or revocation; be in writing; and clearly state the basis for the appeal.
- B. The Village Council will hold a public hearing to consider the appeal. The appellant will be afforded an opportunity to be heard and present all relevant evidence.
- C. The Village Council has the final review authority over any appeal brought before it.
- D. No marihuana establishment whose Village license has been denied or revoked is permitted to conduct business while an appeal is pending. The conducting of business includes, but is not limited to, being open to the public, and the cultivation, processing, testing, or sale of marihuana. However, such marihuana establishment may take the necessary steps to prevent the spoilage of current inventory.
- E. The completion of the administrative appeals process under subsection 6.4.2 is required prior to the appellant filing any action in a court of law.

- F. The Village Council may adopt, via resolution, rules governing the appeals process.

6.4.2.12 Violations and Penalties.

- A. A violation of subsection 6.4.2 constitutes a municipal civil infraction punishable by a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues will constitute a different violation.
- C. Any violation of subsection 6.4.2 is declared to be a nuisance per se and is subject to abatement.
- D. Nothing in subsection 6.4.2 precludes the Village from pursuing any other remedies available at law or equity.

6.4.2.13 Enforcement.

The Kent County Sheriff's Department, the Michigan State Police, the Village Ordinance Enforcement Officer, and any other individual or entity designated by resolution of the Village Council are authorized to enforce subsection 6.4.2.

Article 2. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Article 3. Repealer.

- A. Sections 7 and 8 of Ordinance No. 2012-1 are hereby repealed.
- B. Ordinance No. 2019-01 is hereby repealed in its entirety.
- C. Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Article 4. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Article 5. Effective Date. This Ordinance is effective upon the expiration of the 20th day following its publication in the manner required by law.

The vote to adopt this Ordinance was as follows:

YEAS: Mollie Doerr, Kevin Wright, Marcia Helton, Stacy Rudicil, Maggie Merritt, Jack Christensen

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Mollie Doerr
Village President

Donna Westerbrink
Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Ordinance adopted by the Village Council for the Village of Sand Lake, Kent County, Michigan, at a meeting of the Village Council duly called and held on March 21, 2022.

Adopted: March 21, 2022

Published (Date / Newspaper): March 31, 2022

Effective: April 20, 2022

By:

Donna Westerbrink
Village Clerk

**VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN**

(Ordinance No. 2024- 01)

At a regular meeting of the Village Council for the Village of Sand Lake held at Village Hall on January 22, 2024, at 7:00 p.m., the following Ordinance was offered for adoption by Village Councilmember Kevin Wright and was seconded by Village Councilmember Marcia Helton

AN ORDINANCE TO AMEND CHAPTER VI, SECTION 6.4, SUBSECTION 6.4.2, PARAGRAPH 6.4.2.6, CHAPTER VI, SECTION 6.4, SUBSECTION 6.4.2, PARAGRAPH 6.4.2.7, AND CHAPTER VI, SECTION 6.4, SUBSECTION 6.4.2, PARAGRAPH 6.4.2.11 SUBPARAGRAPH 6.4.2.11(A) OF THE CODE OF ORDINANCES FOR THE VILLAGE OF SAND LAKE.

THE VILLAGE OF SAND LAKE (the “Village”) ORDAINS:

Article 1. Amendment of paragraph 6.4.2.6. Chapter VI, Section 6.4, Subsection 6.4.2, Paragraph 6.4.2.6 of the Code of Ordinances for the Village of Sand Lake is hereby amended and reads in its entirety as follows:

6.4.2.6 License Renewal and Transfer.

- A. All applications for the renewal of a Village license must be filed with the Village Clerk utilizing and complying with the Village application, forms, and processes as adopted from time to time by resolution of the Village Council.
- B. In order to avoid late fees, Village license renewal applications must be submitted to the Village Clerk no earlier than 60 calendar days and no later than 30 calendar days before the Village license expires. Late renewal applications are subject to a late fee as determined from time to time by resolution of the Village Council; however, no renewal application will be accepted if it is incomplete or submitted after the Village license expires. A Village license that is not pending renewal at the time of expiration is ineligible for renewal.
- C. No Village license will be renewed unless the marihuana establishment seeking renewal has a valid corresponding State operating license.
- D. Any applicant-licensee who submits a complete renewal application and complies with the requirements of subsection 6.4.2 will be issued a Village license renewal by the Village Clerk.
- E. The Village Clerk will state in writing the grounds for any denial of a Village license renewal.

- F. All Village licenses automatically expire 365 calendar days from the date of renewal.
- G. The Village Clerk will assess a non-refundable License application renewal fee in the amount set from time to time by resolution of the Village Council. No renewal application will be accepted without the full payment of the required fee.
- H. Upon the granting of authorization for the renewal of a Village license, the Village Clerk will assess a non-refundable licensing renewal fee in the amount set from time to time by resolution of the Village Council. No Village license will be issued without the full payment of the required fee. Failure to pay the license renewal fee in full within 10 calendar days of eligibility will be considered a refusal and forfeiture of the Village license.
- I. No Village license will be renewed if the applicant-licensee is in default to the Village.
- J. Each Village license is issued exclusively to the licensee and an interest in a Village license is not transferable except as specifically authorized by and in accordance with the requirements of paragraph 6.4.2.6. Any transfer of a Village license in violation of this subparagraph is void.
- K. No Village license or interest in a Village license may be transferred to any individual or entity that is in default to the Village.
- L. The stockholders of a corporation, members of a limited liability company (LLC), partners of a limited partnership (LP), or other individuals with an ownership interest in the licensee may transfer their ownership interest in the licensee provided such transfer is approved by the Marihuana Regulatory Agency or its successor agency. Any change in the ownership interest must be reported to the Village within ten (10) calendar days.
- M. A Village license may be transferred to another entity following approval by the Village Council. The Village Council will evaluate the proposed transfer for compliance with the requirements of subsection 6.4.2 and the licensing rules adopted from time to time by resolution of the Village Council.
- N. All applications to transfer a Village license under subparagraph 6.4.2.6(M) must be filed with the Village Clerk utilizing and complying with the Village application, forms, and processes as adopted from time to time by resolution of the Village Council.
- O. The Village Clerk will assess a non-refundable Village license transfer fee in the amount set from time to time by resolution of the Village Council for all transfers under subparagraph 6.4.2.6(M). No transfer application will be accepted without the full payment of the required fee.

- P. No Village license may be transferred under subparagraph 6.4.2.6(M) unless the transferee entity has State of Michigan “prequalification” status.

Article 2. Amendment of paragraph 6.4.2.7. Chapter VI, Section 6.4, Subsection 6.4.2, Paragraph 6.4.2.7 of the Code of Ordinances for the Village of Sand Lake is hereby amended and reads in its entirety as follows:

6.4.2.7 Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary Village license, State operating licenses, and necessary approvals and permits will be eligible for licensing under subsection 6.4.2.
- B. All marihuana establishments are subject to inspection, with or without notice, at any time, by the Kent County Sherriff’s Department, the Michigan State Police, the Village Ordinance Enforcement Officer, or any other individual or entity designated by resolution of the Village Council to enforce subsection 6.4.2
- C. At all times, marihuana establishments must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the Village, the State of Michigan, or any entity thereof.
- D. Village licenses must be displayed at the licensed marihuana establishment in a manner clearly visible to the public.
- E. The issuance of a Village license under subsection 6.4.2 is in addition to, and not in lieu of, any other licensing or permitting required by the Village, the State of Michigan, or any entity thereof.
- F. Village licenses are not specific to any one location; however, applicants and licensees must notify the Village prior to any change in location.
- G. There is a continuing duty for applicants and licensees to provide the Village updated documentation within ten (10) calendar days. This includes, but is not limited to, any documentation submitted to the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, or its successor agency, the issuance of any State operating license, or any change in documentation previously submitted to the Village.
- H. Applicants and licensees must self-report any violation or citation issued by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency, or its successor agency, within 10 calendar days of the issuance of any violation or citation.

Article 3. Amendment of subparagraph 6.4.2.11(A). Chapter VI, Section 6.4, Subsection 6.4.2, Paragraph 6.4.2.11, Subparagraph 6.4.2.11(A) of the Code of Ordinances for the Village of Sand Lake is hereby amended and reads in its entirety as follows:

- A. Any applicant who is denied the issuance or the transfer of a Village license, applicant-licensee whose Village license is not renewed, or a licensee whose Village license is revoked may appeal such decision to the Village Council. The appeal must be submitted to the Village Clerk within thirty (30) calendar days of the denial, denial of renewal, or revocation; be in writing; and clearly state the basis for the appeal.

Article 4. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Article 5. Repealer. Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Article 6. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Article 7. Effective Date. This Ordinance is effective upon the expiration of the 20th day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: Mollie Doerr, Kevin Wright, Marcia Helton, Kim Latham, Cherrie Camilleri.

NAYS:

ABSENT/ABSTAIN: Jack Christensen, Maggie Merritt

ORDINANCE DECLARED ADOPTED.

Mollie Doerr
Village President

Donna Westerbrink
Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Ordinance adopted by the Village Council for the Village of Sand Lake, Kent County, Michigan, at a meeting of the Village Council duly called and held on January 22, 2024.

Adopted:

Published (Date / Newspaper):

Effective:

By:

Donna Westerbrink
Village Clerk