

**City of Harrisville  
Alcona County, Michigan  
Ordinance Authorizing and Permitting  
Commercial Medical Marijuana Facilities  
Ordinance No. 2019-01**

At a Regular meeting of the Council of the City of Harrisville, Alcona County, Michigan, held at the Harrisville City Hall on June 10 City Council Member Ferg moved to adopt the following Ordinance, which motion was seconded by Thomas City Council Member:

*An Ordinance to implement the provisions of the Michigan Marijuana Facilities Licensing Act ("MMFLA"), Public Act 281 of 2016, which authorizes the licensing and regulation of Commercial Medical Marijuana Facilities and affords the City the option whether or not to allow Commercial Medical Marijuana Facilities; to regulate Commercial Medical Marijuana Facilities by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and visitors to the City.*

*Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq. As amended; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan.*

*As of the effective date of this ordinance, marijuana 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 marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.*

THE CITY OF HARRISVILLE ORDAINS:

**Section 1. Definitions.** The following words and phrases shall have the following definitions when used in this Ordinance.

- A. Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
  - B. Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.
  - C. Any term defined by the Marijuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marijuana Tracking Act.
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- 1. "Affiliate" means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

2. "Application" means an application for a permit under this ordinance and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the "applicant."
3. "City" means the City of Harrisville, a general law City located in Alcona County, Michigan.
4. "Clerk" means the Harrisville City Clerk or his/her designee.
5. "Commercial Medical Marijuana Facility," "Commercial Marijuana Facility," "Marijuana Facility" or "Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana 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 Marijuana Act, MCL 333.26421 et seq.
6. "Department" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Marijuana Facility.
7. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.
8. "Licensee" means a person holding a state operating license under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
9. "Marijuana" or "Marihuana" means that the term as defined in the Public Health Code. MCL 333.1101 et seq.; the Medical Marijuana Act MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable. See Marijuana plant
10. "Marijuana plant" means any plant of the species *Cannabis sativa* L.
11. "Marijuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation.

12. "Michigan medical marijuana act" means the Michigan medical marijuana act, 2008 IL 1, MCL 333.26421 to 333.26430 and as defined in the MMFLA..
13. "Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marijuana.
14. "Permit" means a current and valid permit for a Commercial Marijuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property.
15. "Permit Holder" means the person that holds a current and valid permit under this ordinance.
16. "Permitted Premises" Means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.
17. "Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.
18. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.
19. "Processor" means a licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.
20. "Provisioning center" means a licensee that is a commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patient's' registered primary caregiver. Provisioning center includes any commercial property where marijuana 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 through the department's marijuana registration process in accordance with the Michigan Medical Marijuana Act, 333.26421 et, seq., is not a provisioning center for purposes of this ordinance.

21. "Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26423.
22. "Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marijuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.
23. "Registry identification card" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in section 3 of the Michigan medical marijuana act, MCL 333.26423.
24. "Safety compliance facility" means a licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.
25. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.
26. "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.

## **Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.**

1. The City of Harrisville hereby authorizes the operation of the following types of Commercial Marijuana Facilities, subject to the number of available Permits issued in this Section.
  - a. MMFLA Marijuana Growers, Class A - cultivations of not more than 500 marijuana plants; and

- b. MMFLA Marijuana Growers, Class B - cultivations of not more than 1,000 marijuana plants; and
  - c. MMFLA Marijuana Growers, Class C - cultivation of not more than 1,500 marijuana plants; and
  - d. MMFLA Marijuana Processors; and
  - e. MMFLA Marijuana Retailer; and
  - f. MMFLA Marijuana Safety Compliance Facilities; and
  - g. MMFLA Marijuana Secure Transporter.
2. The maximum number of Commercial Marijuana Facility Permits in effect at any time shall not exceed the following maximums within the City:
- a. Marijuana Grower Permits, Class A:                    Unlimited
  - b. Marijuana Grower Permits, Class B:                    Unlimited
  - c. Marijuana Grower Permits, Class C:                    Unlimited
  - d. Marijuana Processor Permits:                            Unlimited
  - e. Marijuana Retailer Permits:                                Unlimited
  - f. Marijuana Safety Compliance Permits:                    Unlimited
  - g. Marijuana Secure Transporter Permits:                    Unlimited
  - h. The City Council may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.
3. A non-refundable local permitting fee shall be paid annually to the City of Harrisville, for each Commercial Marijuana Facility permit issued under this ordinance, of no more than \$5,000 per permit, as set by resolution of the City Council of Harrisville.
4. No person shall operate a Commercial Marijuana Facility at any location within the City of Harrisville of unless a then-currently-effective Permit for a Commercial Marijuana Facility for that Person at that location has been issued under this Ordinance.

5. Commercial Medical Marijuana Facilities shall operate only as expressly allowed under this Ordinance.
6. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of application, each Applicant shall, for each application, pay a non-refundable application fee to the Zoning Administrator to defray the costs incurred by the City, as set by resolution of the City Council of Harrisville, not to exceed any limitations imposed by Michigan Law.
8. An Initial or Renewal Commercial Marijuana Facility permit shall be valid for one year, expiring on the anniversary of facility's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulations of the City, County and State of Michigan within that time shall render the facility ineligible for renewal and the permit shall be available to another applicant. A Permit and Renewal Permit shall confer a reasonable expectation of subsequent renewal unless:
  - a. A renewal has been denied by the State of Michigan.
  - b. The Applicant has been found to have defrauded the City, has committed a material violation of this Ordinance, has lost the state License, or is causing a nuisance to the public health, safety or general welfare.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered..
10. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the City with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or City Permit.
11. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted a complete Application and all required fees under this Ordinance and other applicable Ordinances and has been granted a Permit under this Ordinance by the City of Harrisville. No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property.
12. The original and current local Permit issued under this Ordinance shall be prominently displayed in the Permitted Premises in a location where it can be readily viewed by the public, law enforcement or administrative officials at all times.

13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents, employees and representatives for any state, federal or local law enforcement agency to conduct random and unannounced examinations of the Facility and all records, materials and property in that Facility, at any time, to review compliance with this Ordinance, state law, any other local regulations, and the Permit.
14. A permit holder may not engage in any other Marijuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the City, without first obtaining a separate permit. Only the entity named in a Permit may grow at a Commercial Marijuana Grow Facility.
15. Receiving and maintaining a valid Commercial Marijuana Facility license under the MMFLA, issued by the State of Michigan is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any commercial medical marijuana facility.

**Section 3. Other laws and ordinances.** In addition to the terms of this Ordinance, any Commercial Marijuana Facility shall comply with all laws, regulations and Ordinances, including without limitation, the City of Harrisville Zoning Ordinance and the MMFLA.

**Section 4. Application for, Renewal of And Transfer of Permits.**

1. **Initial Application.** An application for a permit to operate a Commercial Marijuana Facility must be on a form provided by the City of Harrisville, shall be submitted to the City Zoning Administrator and shall contain the following information at a minimum
  - a. The name, address, phone number and e-mail address of the Applicant/s and the proposed Commercial Marijuana Facility.
  - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Marijuana Facility.
  - c. Nine (9) copies all of the following:
    1. All documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the applicant is not the owner of the proposed Permitted Property and/or Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marijuana Facility shall be provided to the City.
    2. If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status,

attach a copy of all company formation documents (including amendments), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Facility, proof of registration with the State of Michigan and a certificate of good standing.

3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed Facility.
4. Evidence of a valid sales tax license for the Facility if such a license is required by state law or local regulations.
5. Application for a Sign Permit, if a sign is being proposed.
6. The non-refundable application fee as set by the Harrisville City Council.
7. Business and Operations Plan, showing in detail the Commercial Marijuana Facility's proposed plan of operation, including without limitation, the following:
  - I. A description of the type of Facility(s) proposed and the anticipated or actual number of employees.
  - II. A security plan meeting the requirements of Section 5. 5. of this Ordinance, which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet Michigan requirements and be approved by the Department prior to commencing operations.
  - III. A description by category of all products to be sold.
  - IV. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the proposed Facility.
  - V. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no abatable nuisance odor will be detectable at the property line of the Permitted Premises.
  - VI. A plan for the disposal of Marijuana and related byproducts that will be used at the Facility.
8. Whether the Applicant has ever applied for or been granted, denied, restricted, suspended, revoked, or not renewed any commercial License, Permit or certificate issued by a licensing authority in Michigan or any other jurisdiction and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.



9. Site plan and interior floor plan of the Permitted Premises and the Permitted Property lawfully signed and sealed by a Michigan registered architect, surveyor or professional engineer.
  10. A complete list of all Marijuana Permits and Licenses held by the Applicant, including complete copies of the issued Permits and Licenses
  11. Information regarding any other Marijuana Establishment or Commercial Medical Marijuana Facility, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.
  12. Application for Special Use Permit provided by the City of Harrisville.
- d. Any other reasonable information requested by the City of Harrisville that is considered to be relevant to the processing or consideration of the Application.
  - e. Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure under state law, to the extent permitted by the Michigan Freedom of Information Act (FOIA).
  - f. Upon receipt of the application and accompanying documentation, the City Zoning Administrator shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Zoning Administrator shall act to process an application not later than fourteen (14) business days from the date the application was accepted. When the application is deemed complete, the Zoning Administrator shall forward all information to the Planning Commission and establish a date for public hearing and Planning Commission review.
  - g. An application is valid for one (1) year from the processing date issued by the City Zoning Administrator. If an application remains incomplete beyond One (1) year, the application shall be null and void and the applicant shall forfeit the application fee. The Zoning Administrator may, at his/her discretion, extend this period an additional 90 days.
  - h. Preliminary approval means only that the Applicant has submitted a valid Application for a Commercial Marijuana Facility Permit, and the Applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable Ordinances and regulations of the City, County and State of Michigan. The permits and approvals required include but are not limited to:
    1. Site Plan approval from the Planning Commission per Article 5 of the City of Harrisville Zoning Ordinance.
    2. Special Use Permit as issued by the Planning Commission per Article 6 of the City of Harrisville Zoning Ordinance.

- i. Upon preliminary approval by the City Planning Commission, the Planning Commission shall make its' recommendation to City Council for final approval. The non-refundable initial annual permitting fee shall be paid by the Applicant to the City Treasurer, via the City Clerk, prior to the issuance of a Commercial Marijuana Facility Permit. If the fee has not been received within sixty (60) days from the date of the City Council's final approval, the Applicant will have forfeited it's Application, the Application shall become null and void, and the Permit shall be available to another Applicant.
  - j. Within 10 business days of the City Council's approval of the Applicant's Special Use Permit and Commercial Marijuana Facility Permit, and payment of the annual non-refundable local permitting fee, the City Clerk shall issue the Commercial Marijuana Facility Permit in the order of the previously assigned sequential application number.
  - k. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or Prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.
  - l. Prior to approval or renewal of an Application for a Grower Facility Permit, an Applicant may amend the Class of the Grower Facility Permit Application by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The City may impose a fee as established by resolution. The Applicant will be required to show proof of a valid State License allowing operation of the new class of Grower Facility Permit prior to operation.
2. **Renewal Application.** A valid Commercial Marijuana Facility Permit may be renewed on an annual basis following the review and approval of City Council, by submitting a Renewal Application form provided by the City Clerk and payment of the annual local Permit fee. Renewal Applications shall be submitted to and received by the City Clerk not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date, shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the City unless the Applicant does not meet Section 2. 8. (a. and/or b.). The application for the right to file a delayed Renewal Application must be filed by the expiration date to avoid forfeiture of Permit, the applicable fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than ninety (90) days after the expiration date.
3. **Transfer Application.**

- a. The same requirements that apply to all new Applications for a permit apply to all Applications to transfer an existing Permit to a new legal entity or individual(s). No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property, and only after the transferee has Applied for and obtained approval for the transfer, including without limitations, the payment of the same fee for the transferred Permit as apply for a new Permit.
- b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Harrisville City Council, after submitting a new Application for a Permit, including payment of any fees as would apply for a new Permit. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

#### **4. Transfer of Control of a Permit Holder.**

- a. No Permit Holder Shall transfer, sell, or otherwise convey more that 1% of the ownership interest in the entity owning the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the City Council.
- b. The Applicant and Permit Holder must submit a change in control transfer Application to the City Clerk prior to any sale or transfer of stock or membership interest. The Application shall include the following:
  1. The names, home addresses, e-mail addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marijuana Facility;
  2. If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents (including amendments), purchase agreement for all stock or membership interest, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.
  3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed Facility.
  4. Whether the Applicant has ever applied for or been granted any commercial License, Permit or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction,

suspension, revocation or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.

5. Information regarding any other Marijuana Establishment or Commercial Medical Marijuana Facility, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.
  6. The non-refundable application fee as set by the Harrisville City Council.
  7. Any documents required to reflect that the Commercial Medical Marijuana Facility will be operated and managed consistent with the current filings provided to the City.
  8. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.
- c. If, prior to the approval of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Clerk to amend the Application. Upon approval by the Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required under Section 4(1). The City Council may set a fee by resolution for such a change.
- d. The following actions constitute transfer of ownership and require a new application, application fee and City Council approval:
1. *Persons.* Any Transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
  2. *Corporations.* Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
  3. *Limited Liability Companies.* Any transfer of more than 1% of membership interest or any change in members or change in the interest held by member(s) of any Limited Liability Company holding a Permit constitutes a transfer of ownership.

4. *Partnerships.* Any change of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.

5. *Assets.* Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the \_\_\_ constitutes a transfer of ownership.

5. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application, including transfer Applications, shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The City Council shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the City for good cause, and failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The City has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the City receives a complete Application, as determined by the Zoning Administrator. A determination of a complete Application shall not prohibit the City from requiring supplemental information. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that:

- a. For denial of a new Permit, an appeal shall not grant any rights to an Applicant; and
- b. For denial of a Renewal Application, if the Applicant has paid all required fees, including additional fees due during the pendency of the appeal, the previous Permit shall be extended during the pendency of the appeal, unless otherwise ordered by the court.

6. **No Building Currently Existing.** Any Applicant for a Commercial Medical Marijuana Facility Permit whose building is not yet in existence at the time of the City's initial approval shall have one year immediately following the date of the City Council's initial approval to commence construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.

7. **Effect of Transfer.**

- a. Immediately following the approval of a transfer of ownership by the City Council, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous Permit Holder. Once a Permit Holder has

transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.

- b. For transfers under Section 4(3), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
- c. For transfers under Section 4(4), the renewal and termination dates of the Permit shall not change.
- d. For transfers under Section 4(3) where no building is yet in existence, the deadline for construction set forth in Section 4(6) shall be extended to one year immediately following the date the transfer is approved, but construction must commence within three years after the City's initial approval of the Permit, regardless of any subsequent transfers.

#### **8. Duty to Supplement.**

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from what is stated in the Application, the Applicant or Permit Holder shall supplement such information in writing within thirty (30) days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the City Council in writing of any pending criminal charge or indictment, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, the Permit Holder, or any owner, principal officer, director, manager or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, principal officer, director, manager or employee has notice of the event.
- c. An Applicant or Permit Holder has a duty to notify the City Council in writing of any pending criminal charge or indictment, and any criminal conviction, whether a felony, misdemeanor, or any violation of a local law or ordinance related to the cultivation, processing, manufacturer, storage, sale distribution, testing or consumption of any form of marijuana, the MMMA, the MMFLA, the MRTMA, any building, fire, health, or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marijuana by the Applicant, Permit Holders, owner, principal officer, director, manager or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, principal officer, director, manager or employee has notice of the event.

#### **Section 5. Operational Requirements - Commercial Medical Marijuana Facilities.**

A Commercial Medical Marijuana Facility issued a permit under this Ordinance and operating in the City of Harrisville shall at all times comply with the following operational requirements, which the City Council may review and amend from time to time as it deems reasonable.

1. *Scope of Operation.* Commercial Marijuana Facilities shall comply with all applicable codes including local zoning, building and health regulations, except to the extent that they are inconsistent with the MMFLA or this Ordinance.
2. *Required Documentation.* The Facility must hold a valid local Permit and Michigan Commercial Medical Marijuana Facility license under the MMFLA for the type of Facility intended to be carried out on the Permitted Property. The Facility owner, operator, Licensee or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any Permits or Licenses, if applicable.
3. *Location.* Each Commercial Marijuana Facility shall be operated only from the Permitted Premises on the Permitted Property. No Commercial Marijuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of marijuana.
4. *Minimum Age.* No person under the age of eighteen (18) shall be allowed to enter into a Commercial Marijuana Facility without a parent or legal guardian. No Commercial Medical Marijuana Facility may allow a person who is under the age permitted by the laws of the State of Michigan or the rules of the Department to volunteer or work for the Commercial Medical Marijuana Facility.
5. *Security.* Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
  - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility; and
  - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week; and
  - c. A locking safe or vault permanently affixed to the permitted premises that shall store all usable marijuana and cash remaining in the Facility overnight, except for Marijuana actively grown in a Grow Facility; and
  - d. All marijuana in whatever form stored at facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility; and
  - e. All security recordings and documentation shall be preserved for a minimum of 48 hours by the Permit Holder and made available to any law enforcement upon request for inspection.

6. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
7. *Buffer Zone.* No Provisioning Center shall be located within two hundred fifty (250) feet from any educational institution or school, college or university, library, preschool or Child Care Facility if such uses are in existence at the time the Commercial Marijuana Facility is commenced, with the minimum distance between uses measured horizontally between the Permitted Premises and the nearest occupied building. Buffer does not apply to other types of Commercial Medical Marijuana Facilities.
8. *Co-location with Certain Marijuana Establishments.* A Grower, Processor and a Provisioning Center may operate at a location shared with a with Marijuana Grower, Marijuana Processor and Marijuana Retailer pursuant to the MMFLA, MRTMA and the Rules of the Department.
9. *Amount of Marijuana.* The amount of Marijuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the state License or the City's Permit.
10. *Sale of Marijuana.* The Marijuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marijuana or Marijuana Products over the internet.
11. *Sign Restrictions.* No pictures, photographs, drawings or depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marijuana," "cannabis" and any other words used or intended to convey the presence or availability of Marijuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
12. *Prohibited Activities.* The sale, consumption or use of alcohol or tobacco products on the Permitted Property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the Permitted Property is prohibited.
13. *Indoor Operation.* All activities of Marijuana Establishments, including without limitation, distribution, growth, cultivation, processing, transfer, or sale of Marijuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises. Secure Transporters are exempt from the air filtration requirement.
14. *Distribution.* No person operating a Facility shall provide or otherwise make available Marijuana to any person who is not authorized to receive Marijuana under state law.



15. *Permits.* All necessary building, electrical, plumbing and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support cultivation, growing, processing, harvesting or testing of Marijuana are located.
16. *Waste Disposal.* The Permit Holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
17. *Transportation.* Marijuana may be transported by a Marijuana Secure Transporter within the City of Harrisville under this Ordinance, and to effectuate its purpose, only:
- a. By persons who are otherwise authorized by state law to transport Marijuana;
  - b. In a manner consistent with all applicable state laws and rules, as needed;
  - c. In a secure manner designed to prevent the loss of the Marijuana, including the storage of Transport Vehicles indoors overnight;
  - d. In Transport Vehicles that are not used for the continuous storage of Marijuana, but only used incidental to, and in furtherance of, the transportation of Marijuana.
18. *Additional Conditions.* The City Council may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

**Section 6. Penalties and Consequences for violation.** In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such a violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation,

together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the City may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.
5. This ordinance shall be enforced and administered by the City Zoning Administrator or such other City official as may be designated from time to time by resolution of the Harrisville City Council.

**Section 7. Applicability.** The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Marijuana Facility were established without authorization before the effective date of this ordinance.

**Section 8. Severability.** The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**Section 9. Effective Date.** This Ordinance shall take effect following publication or posting after final adoption of the related amendments to the City of Harrisville Zoning Ordinance by the Harrisville City Council.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

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Jeffrey Gehring, Mayor, City of Harrisville

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance Adopted by the Harrisville City Council at a duly scheduled and noticed meeting of that City Council held on \_\_\_\_\_, 2019, pursuant to the required statutory procedures.
2. A summary/Notice of Adoption of/for the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within City of Harrisville, on \_\_\_\_\_ 2019.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Alcona County Clerk on \_\_\_\_\_, 2019.

ATTESTED:

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Barbara Pierce, Clerk, City of Harrisville