

ORDINANCE #2019-03
VILLAGE OF EDMORE
COUNTY OF MONTCALM, MICHIGAN
(DRAFT)

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE VILLAGE OF EDMORE, MICHIGAN AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE VILLAGE OF EDMORE HEREBY ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the Village of Edmore Regulation of Recreational Marihuana Ordinance.

SECTION 2: LEGISLATIVE INTENT

The purpose of this Ordinance is to regulate recreational marihuana establishments, which include marihuana growers, marihuana safety compliance facilities, marihuana processors, marihuana microbusinesses, marihuana retailers, marihuana secure transporters, or any other type of recreational marihuana-related business licensed by the State of Michigan.

The Village finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for recreational marihuana use found in the Michigan Regulation and Taxation of Marihuana Act.

SECTION 3: DEFINITIONS AND CONFLICTS

The following words and phrases used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

(a) Words and phrases used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953 (hereafter, the "Act") as the same may be amended from time to time, which words and phrases are incorporated herein by reference.

(b) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts

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of the marihuana plant by manual or mechanical means.

(c) "Department" means the Michigan Department of Licensing and Regulatory Affairs.

(d) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(e) "Licensee" means a person holding a state license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953 .

(f) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(g) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

(h) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

(i) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

(j) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments:

- (1) Class A – 100 marihuana plants;
- (2) Class B – 500 marihuana plants;
- (3) Class C – 2000 marihuana plants.

(k) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(l) "Marihuana microbusiness" means a person licensed 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.

(m) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(n) "Marihuana retailer" means a person licensed 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.

(o) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(p) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(q) "Municipal license" means a license issued by the Village of Edmore that allows a person to operate a recreational marihuana establishment in the Village of Edmore.

(r) "Municipality" means the Village of Edmore.

(s) "Outdoor grow" means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

(t) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(u) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(v) "School" means a public or private licensed pre-school, or a public, private, or charter elementary, middle, junior high, or high school, vocational school, secondary school, community college, or other institution of higher education.

(w) "State license" means a license issued by the department that allows a person to operate a recreational marihuana establishment.

(x) "Unreasonably impracticable" means that the measures necessary to comply with the rules or Ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

(y) "Village" means the Village of Edmore

(z) "Village Council" means the Village of Edmore Council

SECTION 4: AUTHORIZATION OF MARIHUANA ESTABLISHMENT AND FEE

A. The Village hereby authorizes, subject to the issuance of a municipal license by the Local Licensing Authority, the following marihuana establishments within the boundaries of the Village, as are authorized pursuant to section 6.1. of the MRTMA.

B. The marihuana establishments and the number authorized pursuant to this Ordinance are:

Type of Establishment

Marihuana Grower (2)

Marihuana Processor (2)

Marihuana Microbusiness (1)

Marihuana Retailer (1)

Marihuana Safety Compliance Establishment (4)

Marihuana Secure Transporter (4)

C. A nonrefundable municipal license application fee shall be paid by each marihuana establishment applying to be licensed under this ordinance in the amount of \$5,000.00. The municipal license fee is in addition to any other fees required, including, but not limited to, zoning fees.

D. All municipal licenses are effective for one (1) year. Should the Village grant a marihuana establishment a municipal license, the municipal license application fee shall be considered as the fee imposed for the first year the license is granted. Prior to the expiration of the first year of the license, the licensee may apply for an extension/renewal of the municipal license for an additional one year period at a nonrefundable fee of not more than \$5,000 as set by resolution of the Village Council to defray the administrative and enforcement costs of the Village associated with the operation of the licensed marihuana establishment.

SECTION 5: COMPOSITION OF LOCAL LICENSING AUTHORITY

A. The Village of Edmore council is designated as the local licensing authority. The Village council may by resolution delegate its authority or a portion of such authority to a new committee or other designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Michigan Regulation and Taxation of Marihuana Act ("MRTMA") in this Ordinance to grant or deny application

described in this Ordinance and to levy penalties against the licensee in the manner provided by law.

- B. The local license authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, changes in trade name, and any other appropriate application.
- C. The local license authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority. The local license authority shall have the power to require any application or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this Ordinance.

SECTION 6: PERMITTED LOCATIONS

- A. All recreational marihuana establishments shall be issued for a specific location which shall be designated as a licensed premises.
- B. All recreational marihuana establishments are considered a special use under the Village of Edmore Zoning Ordinance.
- C. All recreational marihuana establishments must be located within the applicable zoning district for each type of establishment, pursuant to the Village of Edmore Zoning Ordinance.
- D. Recreational marihuana establishments shall not be permitted in any district zoned exclusively for residential use.

SECTION 7: BUFFERING REQUIREMENTS

Marihuana establishments shall be located a minimum of Five Hundred (500) feet from public or private elementary, secondary or vocational schools, as measured "door to door" to the entrance of the school from the entrance of the licensed facility's structure.

SECTION 8: REQUIREMENTS AND PROCEDURE FOR ISSUING A MUNICIPAL LICENSE

- A. No person shall be issued a municipal license by the Village without first having obtained from the Village of Edmore Planning Commission a Special Use Permit authorizing the operation of the establishment pursuant to the Village of Edmore Zoning Ordinance.
- B. No elected official or person who is employed by the Village, acts as a consultant for the Village or acts as an advisor to the Village, and is involved in the implementation, administration or enforcement of this Ordinance shall have an interest, directly or indirectly, in a Marihuana Establishment in the Village of Edmore.
- C. Maintaining a valid license issued by the state is a condition for the maintenance of a

license under this ordinance and continued operation of a marihuana establishment.

- D. Every applicant for a municipal license to operate a marihuana establishment shall file an application in the Village Manager's office upon a form provided by the Village. The Act in Section 9. 4. (MCL 333.27959 4.) requires that the Village establish a competitive process to select applicants who are best suited to operate in compliance with the Act and this Ordinance. Pursuant to this requirement the Village requires that applicants submit an application which shall include:
1. The appropriate nonrefundable municipal license application fee in the amount determined by the Village;
 2. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers;
 3. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
 4. A signed release authorizing the Village of Edmore to perform a criminal background check, for a fee established by the Village Council, to ascertain whether the applicant, each stakeholder of the applicant, meet the criteria set forth in this Ordinance.
 5. The name and address of the proposed marihuana establishment;
 6. 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 use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;
 7. Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana establishment;
 8. A copy of the Special Use Permit issued by the Village of Edmore Planning Commission;

9. Proof of a State issued Certificate of Prequalification Status;
10. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (door-to-door to the subject marihuana establishment's building) to the closest real property comprising a public or private elementary, vocational or secondary school;
11. A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into the sewerage system is prohibited;
12. A business plan which contains, but is not limited to, the following:
 - ii. The applicant's experience in operating other similarly permitted or licensed businesses and the applicant's general business management experience;
 - iii. An estimate of the number and type of jobs that the marihuana establishment is expected to create and the amount and type of compensation expected to be paid for such jobs
 - iv. The proposed ownership structure of the establishment, including percentage ownership of each person or entity;
 - v. A current organizational chart that includes position descriptions and the names of each person holding each position;
 - vi. Planned tangible capital investment in the Village, including if multiple licenses are proposed, an explanation of the economic benefits to the Village and job creation, if any, to be achieved through the award of such multiple licenses, with supporting factual data;
 - vii. If a Marihuana Grower Establishment is proposed, the number of plants anticipated;
 - viii. Financial structure and financing of the proposed marihuana establishment(s);
 - ix. Community outreach/education plans and strategy;
 - x. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Village, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees. that the applicant may incur as a result of the violation by

the applicant, its Stakeholders and agents of those laws, rules, and regulations; and

xi. Any other information which may be required by the Village Manager.

E. Upon an applicant's completion of the above-described form and furnishing of all required information and documentation, and confirmation that the number of existing licenses does not exceed the maximum number established in Section 4B, above, the Village Manager shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance. The Village Manager convey to the Local Licensing Authority the application and set a meeting to review the issuance of the municipal license. This shall take place no later than at the next regularly scheduled Village Council meeting, so long as the application and all relevant documents were received three weeks prior to the next meeting

SECTION 9: LICENSE APPLICATIONS EVALUATION

A. The Village Council shall assess all applications referred to it by the Village Manager.

B. In its application deliberations, the Village Council shall assess each application in each of the following categories:

1. The applicant's experience in operating other similarly licensed businesses.
2. The applicant's general business management experience.
3. The applicant's general business reputation.
4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marijuana establishment of the applicant.
5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
6. Whether the applicant or stakeholder is currently under indictment for or has been arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, a felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.
7. Whether the applicant or stakeholder has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for one (1) or more years.
8. Whether the applicant or stakeholder has a history of non-compliance with any regulatory requirements in this state or any other jurisdiction.
9. As it relates to operation of a marijuana retailer, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed retail center.

C. The Village Council shall assess each application with aforementioned categories under the aforementioned categories and may issue a license to the applicant if an applicant has satisfactorily met all requirements.

SECTION 10: LICENSES GENERALLY

- A. To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et.seq.
- B. Licensees may transfer a license issued under this Ordinance to a different location upon receiving written approval from the Village and provided that the licensee holds a special use permit for the new location. In order to receive approval to transfer a license location, the licensee must make a written request to the Village, indicating the current license location and the proposed license location, upon receiving the written request, the Village shall refer a copy of the written request to the Village Council for their approval. No License transfer shall be approved unless the Licensee and the proposed License location meet the standards identified in this Ordinance. A license transfer fee shall be established by Village Council through resolution.
- C. Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval by the Village. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the Village, indicating the current licensee and the proposed licensee including proof that the proposed licensee has obtained a Certificate of Pre-Qualification Status from the State of Michigan.. Upon receiving the written request, the Village shall consider the request as a new application for a license. A license transfer fee shall be established by Village Council through resolution.
- D. Applicants cannot transfer their application to a different individual or entity.
- E. Licensees shall report any other change in the information required by this Ordinance to the Village within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.
- F. The possession of a municipal license under this ordinance does not constitute a property right

SECTION 11: MINIMAL OPERATIONAL STANDARDS OF RETAIL CENTERS

The following minimum standards for retail centers shall apply:

- A. No retail center shall be open to the public between the hours of 9:00 PM and 8:00 AM.

- B. Consumption of marihuana shall be prohibited in the retail center, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- C. Retail centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- D. The public or common areas of the retail center must be separated from restricted or non-public areas of the marihuana establishment
- E. All marihuana storage areas within the retail center must be separated from any customer areas by a permanent barrier. Marihuana may be displayed in a sales area.
- F. Any usable marihuana remaining on the premises of a retail center while the retail center is not in operation shall be secured from the public.
- G. Drive-through window on the premises of a retail center shall not be permitted.
- H. Retail center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- I. No retail center 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 retail center is operated.
- J. The license required by this Ordinance shall be prominently displayed on the premises of a marihuana establishment.
- K. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with state laws.
- L. All marihuana shall be packaged and labeled as provided by state laws.
- M. The premises shall be open, at all times, to any Michigan Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 1. To inspect and examine all premises of the marihuana establishment.
 2. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate

with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.

3. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 4. To investigate alleged violations of the MRTMA or applicable state laws.
- N. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
- O. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- P. It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.
- Q. No licensed marihuana establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium within five hundred feet of the real property comprising a public or private elementary, vocational or secondary school.
- R. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.
- S. No marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.
- T. No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995)
- U. A marihuana establishment may not allow , sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- V. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

SECTION 12: MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY

The following minimum standards for grower facility shall apply:

- A. The grower facility shall comply at all times and in all circumstances with the MRTMA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of the marihuana establishment;
 - b. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment;
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
- C. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the MRTMA.
- D. All marihuana shall be contained within an enclosed locked facility;
- E. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.
- F. That portion of the structure storing any chemicals such as herbicides, pesticides, and fertilizers shall be in compliance with all applicable statutes, codes and Ordinances;
- G. The dispensing of marihuana at the grower facility shall be prohibited.
- H. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;

- b. 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;
 - c. 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 the condition is corrected.
- I. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marihuana is exposed.
 - J. Floors, walls and ceiling, shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - K. 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 the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
 - L. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
 - M. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
 - N. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
 - O. Grower facility shall be free from infestation by insects, rodents, birds, or vermin of any kind;
 - P. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.
 - Q. A marihuana establishment may not allow cultivation, of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
 - R. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

SECTION 13: MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY

The following minimum standards for Safety Compliance Facility shall apply:

- A. The Safety Compliance Facility shall comply at all times and in all circumstances with the MRTMA and or applicable State laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. Consumption and/or use of marihuana shall be prohibited at the facility;
- C. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes.
 - a. To inspect and examine all premises of marihuana establishment.
 - b. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
- D. Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MRTMA or applicable state laws.
- E. All marihuana shall be contained within the building in an enclosed locked facility in accordance with the MRTMA, as amended, or applicable state laws.
- F. There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana
- G. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.
- H. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- I. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

- J. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- K. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- L. Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.
- M. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

SECTION 14: MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY

The following minimum standards for processor facility shall apply:

- A. The processor shall comply at all times and in all circumstances with the MRTMA, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. Consumption and/or use of marihuana shall be prohibited at the processor facility.
- C. All activity related to the processor facility shall be done indoors.
- D. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of the marihuana establishment;
 - b. To inspect, examine, and audit relevant records of the licensee and, of the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
- E. Any processor facility shall maintain a log book and/or database which complies with the MRTMA, as amended, or applicable state laws.

- F. All marihuana shall be tagged as required by the MRTMA or applicable state laws.
- G. All marihuana shall be contained within enclosed locked facility in accordance with the MRTMA, as amended.
- H. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
- I. That portion of the structure where the storage of any chemicals is located shall be subject to all applicable statutes, codes and Ordinances.
- J. The dispensing of medical marihuana at the processor facility shall be prohibited.
- K. All persons working in direct contact with marihuana shall conform to hygienic practice while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;
 - b. 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;
 - c. 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 the condition is corrected.
- L. 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.
- M. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- N. 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 the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
- O. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- P. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- Q. Marihuana that can support the rapid growth of undesirable microorganisms shall be

held in a manner that prevents the growth of these microorganisms.

- R. Processor facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- S. Processor facility shall produce no products other than useable Marihuana intended for human consumption.
- T. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited.
- U. A marihuana establishment may not allow the processing of marihuana to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- V. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

SECTION 15: MINIMUM OPERATIONAL STANDARDS OF SECURE TRANSPORTER

The following minimum standards for secure transporters shall apply:

- A. The secure transporter shall comply at all times with the MRTMA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- B. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
- C. Storage of marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall be continuously monitored with a surveillance system that includes security cameras. The video recording shall be maintained in a secure, off- site location for a period of fourteen (14) days;
 - b. The storage facility shall not be used for any other commercial purpose;
 - c. The storage facility shall not be open or accessible to the general public;
 - d. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and Ordinance;
 - e. The storage facility shall be open at all times to any MRTMA Licensing Board investigator or police officers, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with

constitutional limitations for the following purposes:

- i. to inspect and examine all premises of the marihuana establishment;
 - ii. to inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - iii. to inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder or state operating license while that person is present in a marihuana establishment;
 - iv. to investigate alleged violations of the MRTMA or applicable state laws.
- f. All marihuana stored within the facility shall be stored within enclosed locked facilities in accordance with the MRTMA as amended.
- g. All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:
- i. maintaining adequate personal cleanliness;
 - ii. 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;
 - iii. refrain 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 the condition is corrected.
- D. A secure transporter licensee and each stakeholder shall not have an interest in another marihuana establishments.
- E. A secure transporter licensee cannot hold title marihuana.
- F. A secure transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
- G. A secure transporter shall comply with all of the following:
- a. Each driver transporting marihuana must have a chauffeur's license issued by the state.
 - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years or have been convicted of a misdemeanor involving a controlled substance with the past five (5) years.
 - c. Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.

- d. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
 - e. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
 - f. A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana infused product.
- H. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with all state and local laws, rules, regulations and Ordinances.
- I. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

SECTION 16: DENIAL AND REVOCATION

A A license issued under this Ordinance may be revoked after an administrative hearing at which the Village Council by majority vote of the members present determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of license at least five days prior to the date of the hearing, by first class mail to the address given on the license application; a licensee whose license is subject of such Hearing may present evidence and/or call witnesses at the Hearing.

B A license applied for or issued under this Ordinance may be denied or revoked on any of the following basis:

1. Violation of this Ordinance;
2. Any Conviction of delivery of a controlled substance to a minor;
3. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a license;
4. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the MRTMA and the State of Michigan;
5. The marihuana establishment is determined by the Village of Edmore to have become a public nuisance;
6. The State of Michigan Licensing Board has denied, revoked or suspended the applicant's state license.

SECTION 17: PENALTIES AND DISCIPLINE

A Any person in violation of any provision of this Ordinance or any provision of a license issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to \$500.00 plus cost of prosecution, 90 days imprisonment, or both, or each violation. This section is not intended to prevent enforcement of any provision of the

State law by law enforcement agencies of competent jurisdiction.

B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village may bring an Action for an injunction or other process against a Licensee to restrain, prevent, or abate any violation of this Ordinance.

C. The Village Council may temporarily suspend a marihuana establishment license without a hearing if the Village Council finds that public safety or welfare requires emergency action. The Village Council shall cause the temporary suspension by issuing a Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing.

D. If the Village Council temporarily suspends a license without a hearing, the holder of the license is entitled to a hearing within thirty (30) days after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.

E. If the Village Council does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

SECTION 18: SEVERABILITY

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

SECTION 19: REPEAL

Ordinance 2019-1 "Prohibition of Marihuana Businesses or Establishments", passed on April 8th, 2019 is hereby repealed.

SECTION 19: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

Adopted and passed by the Edmore Village Council the ____ day of ____ 2019.
Signed this _____ day of May 2019.

Gloria Burr, President

Kerri Petersen Clerk