

**ORDINANCE NO. \_\_\_\_\_****IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

Sec. 1. That the Code of the City of Flint shall be amended by amending Chapter 50, Section 50-80, as follows:

**§50-80.1. MARIHUANA FACILITIES**

~~PLACEHOLDER~~ ~~FOR~~ ~~MARIHUANA ORDINANCES~~

THIS ORDINANCE OF THE CITY OF FLINT, MICHIGAN IS TO PROVIDE FOR THE LICENSING AND REGULATION OF BOTH MEDICAL AND ADULT-USE ("RECREATIONAL") MARIHUANA FACILITIES WITHIN THE CITY OF FLINT, MICHIGAN; TO ESTABLISH OPERATIONAL, LAND USE, AND ZONING REQUIREMENTS, AND STANDARDS ATTENDANT THERETO; TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITY OF FLINT AND ITS NEIGHBORHOODS; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER. THESE ADDITIONALLY REGULATED USES PERTAIN TO MEDICAL AND ADULT-USE ("RECREATIONAL") MARIHUANA FACILITIES THAT ARE ALLOWED UNDER THE STATUTES OF THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 ET SEQ., AS AMENDED ("MMMA"), THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ., (MMFLA), THE MARIHUANA TRACKING ACT (MTA), MCL 333.27901, ET SEQ. AND THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), 2018 IL 1, MCL 333.27951 ET SEQ. THIS ORDINANCE IS SUBJECT TO INTERPRETATION AND REVISION BASED ON RULES YET TO BE FULLY AND PERMANENTLY ADOPTED BY THE MICHIGAN DEPARTMENT OF LICENSING

AND REGULATORY AFFAIRS (LARA) AND THE MICHIGAN CANNABIS REGULATORY AGENCY (CRA). IF THE STANDARDS SET FORTH IN THIS ORDINANCE ARE IN CONFLICT WITH THE STANDARDS ADOPTED BY LARA / THE CRA THAN THE STANDARDS FROM LARA / THE CRA SHALL APPLY.

**§50-80.2. USES SUBJECT TO THESE CONTROLS ARE AS FOLLOWS:****A. GROUP "E" – ADDITIONALLY REGULATED USES:**

1. MEDICAL MARIHUANA PROVISIONING CENTERS
2. RETAIL FACILITIES
3. COMMERCIAL MARIHUANA SECURE TRANSPORT FACILITIES

**B. GROUP "F"- ADDITIONALLY REGULATED USES:**

1. COMMERCIAL MARIHUANA GROWING CENTERS
2. COMMERCIAL MARIHUANA PROCESSING CENTER
3. COMMERCIAL MARIHUANA SAFETY COMPLIANCE FACILITIES

**C. GROUP "G" – ADDITIONALLY REGULATED USES:**

1. MICROBUSINESSES
2. CLASS A MARIHUANA MICROBUSINESS

**§50-80.3. DEFINITIONS:**

FOR THE PURPOSES OF THIS CHAPTER:

ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 ET SEQ., AS AMENDED

("MMMA"), THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281, OR THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), 2018 IL 1, MCL 333.27951 ET SEQ SHALL HAVE THE DEFINITION GIVEN IN THE MMMA, AS AMENDED, OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, AS AMENDED, OR THE MRTMA. THESE ADDITIONALLY REGULATED USES PERTAIN TO MEDICAL MARIHUANA FACILITIES THAT ARE ALLOWED UNDER THE STATUTES OF THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 ET SEQ., AS AMENDED ("MMMA"), THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ., ("MMFLA"), AND THE MARIHUANA TRACKING ACT ("MTA"), MCL 333.27901, ET SEQ AND ADULT-USE OR RECREATIONAL FACILITIES THAT ARE ALLOWED UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), 2018 IL 1, MCL 333.27951 ET SEQ. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS ORDINANCE CONFLICTS WITH THE DEFINITION IN THE MMMA, THE MRTMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THEN THE DEFINITION IN THE MMMA THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, OR THE MRTMA SHALL APPLY.

THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL'S OR ENTITY'S RIGHTS UNDER THE MMMA, MMFLA, MTA OR THE MRTMA AND THESE ACTS SUPERSEDE THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM AND THE IMMUNITIES AND PROTECTIONS ESTABLISHED IN THE MMMA UNLESS SUPERSEDED OR PREEMPTED BY THE MMFLA OR THE MRTMA.

THE FOLLOWING DEFINITIONS APPLY TO ALL GROUP "E", "F", AND "G" ADDITIONALLY REGULATED USES:

- A. DEDICATED PUBLIC PARK - A CITY OR PRIVATELY OWNED PIECE OF PROPERTY THAT CONTAINS DEED RESTRICTIONS EXPLICITLY STATING THE PROPERTY IS FOR THE USE OF THE GENERAL PUBLIC FOR LEISURE, RECREATION, OR GENERAL PUBLIC PURPOSES. PROPERTY DOES NOT NEED TO CONTAIN PLAYGROUND OR RECREATION EQUIPMENT TO BE ESTABLISHED AS A DEDICATED PUBLIC PARK SPACE.
- B. CITY - THE CITY OF FLINT, MICHIGAN.
- C. CLASS A MARIHUANA MICROBUSINESS-PERSON OR ENTITY LICENSED TO CULTIVATE NOT MORE THAN 300 MATURE MARIHUANA PLANTS; PACKAGE MARIHUANA; PURCHASE MARIHUANA CONCENTRATE AND MARIHUANA-INFUSED PRODUCTS FROM A LICENSED MARIHUANA PROCESSOR; 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, LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER
  - 1. EXCEPT AS OTHERWISE PROVIDED BY THE STATE AND THE MRTMA, A CLASS A MARIHUANA MICROBUSINESS

LICENSE AUTHORIZES A CLASS A MARIHUANA MICROBUSINESS TO TRANSFER MARIHUANA ONLY FROM THE MARIHUANA GROWER AREA TO THE MARIHUANA RETAILER AREA OF THE CLASS A MARIHUANA MICROBUSINESS WITHOUT USING A MARIHUANA SECURE TRANSPORTER IN ACCORDANCE WITH THE STATE MONITORING SYSTEM.

2. A CLASS A MARIHUANA MICROBUSINESS SHALL NOT OPERATE AT MULTIPLE LOCATIONS.

D. MARIHUANA GROWING CENTER - AN ENTITY THAT IS LICENSED TO OPERATE BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA AND HAS APPLIED TO BE ESTABLISHED AS AN ADDITIONALLY REGULATED USE BY THE CITY. THIS FACILITY IS USED TO CULTIVATE, DRY, AND PACKAGE MARIHUANA IN ACCORDANCE WITH STATE LAW.

1. THE GROWING CENTER MUST BE LOCATED IN A STRUCTURE THAT IS, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS, A MINIMUM OF 2,000 SQUARE FEET FOR A CLASS A LICENSED GROWER, 5,000 SQUARE FEET FOR A CLASS B LICENSED GROWER, AND 8,000 SQUARE FEET FOR A CLASS C LICENSED GROWER OR AN EXCESS GROWER. THE BUILDING(S) MAY BE SPLIT AMONG MULTIPLE STATE LICENSED GROWERS, AND PROCESSORS GIVEN THAT THERE ARE WALLS OR PARTITIONS ERECTED BETWEEN THEM AND APPROVED BY BSI OFFICIALS,

PURSUANT TO STATE BUILDING CODE.

2. IF A GROWING CENTER IS COLLOCATED WITH A GROUP E PROVISIONING CENTER OR RETAILER, THE STRUCTURE MUST BE A MINIMUM OF 9,000 SQUARE FEET, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS.

3. A GROWING CENTER SHALL PROVIDE ONLY WHOLESALE PRODUCTS FOR THE USE OF OTHER MEDICAL MARIHUANA PROVISIONING CENTERS OR RETAILERS.

E. MARIHUANA PROCESSING CENTER - AN ENTITY THAT IS LICENSED BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA THAT ACQUIRES MARIHUANA FROM A GROWER AND THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A MARIHUANA-INFUSED PRODUCT FOR SALE AND TRANSFER IN PACKAGED FORM TO A PROVISIONING CENTER OR RETAILER.

1. THE PROCESSING CENTER MUST BE LOCATED IN A FACILITY THAT IS A MINIMUM OF 3,000 SQUARE FEET. THE BUILDING MAY BE SPLIT AMONG MULTIPLE STATE LICENSED PROCESSORS & GROWERS, GIVEN THAT THERE ARE WALLS OR PARTITIONS ERECTED BETWEEN THEM AND APPROVED BY BSI OFFICIALS, PURSUANT TO STATE BUILDING CODE.

2. IF A PROCESSING CENTER IS COLLOCATED WITH A GROUP E PROVISIONING CENTER OR

RETAILER, THE STRUCTURE MUST BE A MINIMUM OF 9,000 SQUARE FEET, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS.

3. A PROCESSING CENTER SHALL PROVIDE ONLY WHOLESALE PRODUCTS FOR THE USE OF OTHER MARIHUANA PROVISIONING CENTERS OR RETAILERS.
- F. MARIHUANA SECURE TRANSPORT FACILITY - A LICENSEE THAT IS A COMMERCIAL ENTITY LOCATED IN THIS STATE AND IS LICENSED BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN MARIHUANA LICENSED FACILITIES FOR A FEE.
- G. MARIHUANA SAFETY COMPLIANCE FACILITY - A COMMERCIAL ENTITY LICENSED BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA THAT TAKES MARIJUANA FROM A MARIHUANA FACILITY OR REGISTERED CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR TETRAHYDROCANNABINOL (THC) AND OTHER CANNABINOIDS, RETURNS THE TEST RESULTS, AND MAY RETURN THE MARIJUANA TO THE MARIHUANA LICENSED FACILITY.
- H. ENCLOSED, LOCKED FACILITY - A CLOSET, ROOM OR OTHER COMPARABLE, STATIONARY, AND FULLY ENCLOSED AREA EQUIPPED WITH SECURED LOCKS OR OTHER FUNCTIONING SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A REGISTERED PRIMARY CAREGIVER. MARIHUANA MUST BE GROWN AND STORED IN A FULLY ENCLOSED AREA EQUIPPED WITH SECURED LOCKS OR OTHER FUNCTIONING SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A REGISTERED LICENSEE OR REGISTERED QUALIFYING PATIENT.
- I. GROWER- A LICENSEE THAT IS AN ENTITY LOCATED IN THIS STATE, APPROVED BY THE STATE FOR MEDICAL AND/OR ADULT-USE MARIJUANA, THAT CULTIVATES, DRIES, TRIMS, OR CURES AND PACKAGES MARIHUANA FOR SALE TO A PROCESSOR OR PROVISIONING CENTER OR RETAILER.
- J. PRE-K THROUGH 12 SCHOOL - A BUILDING OR FACILITY THAT HOUSES STUDENTS RANGING FROM GRADES PRE-KINDERGARTEN (K) THROUGH THE 12TH GRADE (12). PRE-K THROUGH 12 FACILITIES CAN BE BOTH PUBLIC AND PRIVATE EDUCATIONAL ESTABLISHMENTS AND INCLUDE BOTH CHARTER AND PAROCHIAL SCHOLASTIC SYSTEMS, CONTINGENT UPON THE FACT THAT SAID SCHOOL IS EITHER CURRENTLY BEING USED AS A SCHOOL OR IS UNDER CONSTRUCTION AND WILL BE OPENED AND USED AS A SCHOOL ON A FUTURE DATE CERTAIN. THIS LIST INCLUDES EARLY CHILDHOOD EDUCATION FACILITIES AND LICENSED HOME-BASED CHILDCARE CENTERS.
- H. LICENSE APPLICATION - THE REQUIREMENTS AND PROCEDURES SET FORTH IN THIS ORDINANCE TO SECURE THE SUBJECT LICENSE.

- I. LICENSEE - A PERSON HOLDING A STATE OPERATING LICENSE, PURSUANT TO THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281 AND/OR THE MRTMA, 2018 IL 1, MCL 333.27951 ET SEQ.
- J. MARIHUANA / MARIJUANA - THE TERM AS DEFINED IN SECTION 7106 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7106. "MARIHUANA" AND "MARIJUANA" ARE USED INTERCHANGEABLY.
- K. MARIHUANA FACILITY - LOCATION AT WHICH A LICENSE HOLDER IS LICENSED TO OPERATE UNDER THIS ORDINANCE, INCLUDING A PROVISIONING CENTER, RETAILER, PROCESSOR, GROWER, EXCESS GROWER, SAFETY COMPLIANCE FACILITY, SECURE TRANSPORTER, CLASS A MARIHUANA MICROBUSINESS AND MICROBUSINESS.
- L. MARIHUANA-INFUSED PRODUCT - A TOPICAL FORMULATION, TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A MANNER OTHER THAN SMOKE INHALATION. MARIHUANA-INFUSED PRODUCT SHALL NOT BE CONSIDERED A FOOD FOR PURPOSES OF THE FOOD LAW, 2000 PA 92, MCL 289.1101 TO 289.8111
- M. MARIHUANA PLANT - ANY PLANT OF THE SPECIES CANNABIS SATIVA L.
- N. MEDICAL USE OF MARIHUANA - THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, EXTRACTION, USE, INTERNAL POSSESSION, DELIVERY, TRANSFER, OR TRANSPORTATION OF MARIHUANA, MARIHUANA-INFUSED PRODUCTS, OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIHUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION.
- O. MEDICAL MARIHUANA FACILITIES LICENSING ACT (MMFLA)-MICHIGAN ACT 281 OF 2016-AN ACT TO LICENSE AND REGULATE MEDICAL MARIHUANA FACILITIES, GROWING, PURCHASING, SELLING RECEIVING, PROCESSING, POSSESSION AND LICENSING. MCL 333.27101-333.27801
- P. MEDICAL MARIHUANA PROVISIONING CENTER- A LICENSEE THAT IS AN ENTITY LOCATED IN THIS STATE THAT PURCHASES MARIHUANA FROM A GROWER OR PROCESSOR AND SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS, DIRECTLY OR THROUGH THE PATIENTS' REGISTERED PRIMARY CAREGIVERS. PROVISIONING CENTER INCLUDES ANY COMMERCIAL PROPERTY WHERE MARIHUANA 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

- MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA ACT IS NOT A PROVISIONING CENTER FOR PURPOSES OF THIS ORDINANCE.
- Q. MICHIGAN MEDICAL MARIHUANA ACT (MMMA)-THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO 333.26430.
- R. MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA)-INITIATED LAW 1 OF 2018 WHICH PERMITS UNDER STATE LAW THE PERSONAL POSSESSION AND USE OF MARIHUANA BY PERSONS 21 YEARS OF AGE AND OLDER AND PROVIDES FOR THE TAXATION OF REVENUE DERIVED FROM COMMERCIAL MARIHUANA FACILITES, MCL -333.27951-333.27967
- S. NEIGHBORHOOD - "NEIGHBORHOOD" MEANS A NEIGHBORHOOD RECOGNIZED BY THIS ORDINANCE, A NEIGHBORHOOD SERVED BY AN ORGANIZED NEIGHBORHOOD ASSOCIATION RECOGNIZED BY THE CITY, OR AN AREA WITHIN A ONE THOUSAND (1,000) FOOT RADIUS OF THE APPLICANT'S/LICENSEE'S SITE, WHICHEVER IS GREATER.
- T. ORDINANCE - THIS ORDINANCE, CHAPTER 50 , SECTION 80.1.
- U. PLACE OF WORSHIP - A PLACE OF WORSHIP IS A SPECIALLY DESIGNED STRUCTURE OR CONSECRATED SPACE WHERE INDIVIDUALS OR A GROUP OF PEOPLE SUCH AS A CONGREGATION COME TO PERFORM ACTS OF DEVOTION, VENERATION, OR RELIGIOUS
- STUDY THAT IS RECOGNIZED AS A TAX-EXEMPT ENTITY.
- V. PLANT - ANY LIVING ORGANISM THAT PRODUCES ITS OWN FOOD THROUGH PHOTOSYNTHESIS AND HAS OBSERVABLE ROOT FORMATION OR IS IN GROWTH MATERIAL.
- W. RESIDENTIAL PROPERTY – A PIECE OF PROPERTY THAT IS PRINCIPALLY ZONED FOR DWELLING PURPOSES. THIS TYPE OF STRUCTURE INCLUDES, BUT IS NOT LIMITED TO, SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND MANUFACTURED HOUSING COMMUNITIES.
- X. RESIDENTIAL ZONED DISTRICT – THE RESIDENTIAL ZONED DISTRICTS ARE "GN-1: GREEN NEIGHBORHOOD, GN-2: GREEN NEIGHBORHOOD, TN-1: TRADITIONAL NEIGHBORHOOD, TN-2: TRADITIONAL NEIGHBORHOOD, MR-1: MIXED RESIDENTIAL, MR-2: MIXED RESIDENTIAL, AND MR-3: MIXED RESIDENTIAL.
- Y. STATE - THE STATE OF MICHIGAN.
- Z. STATE LICENSED CULTIVATOR/GROWER - AN INDIVIDUAL WHO HAS APPLIED FOR AND BEEN AUTHORIZED FOR A GROWER LICENSE IN MICHIGAN PURSUANT TO THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281 AND/OR THE MRTMA, 2018 IL 1, MCL 333.27951 ET SEQ. THIS LICENSE AUTHORIZES THE SECURE TRANSFER OF MARIHUANA AND THE SALE OF SEEDS OR PLANTS TO ANOTHER GROWER OR

PROCESSOR. INDIVIDUALS CAN APPLY FOR 3 DIFFERENT LICENSE CLASSES, EACH OF WHICH AUTHORIZES THE GROWER TO GROW NOT MORE THAN THE FOLLOWING NUMBER OF MARIHUANA PLANTS:

1. CLASS A - 500 MARIHUANA PLANTS.
2. CLASS B - 1,000 MARIHUANA PLANTS.
3. CLASS C - 1500 MARIHUANA PLANTS.

\*ALL COMMERCIAL GROWING CENTER LICENSE CLASSES MAY BE "STACKED", TO THE EXTENT PERMITTED BY THE STATE OF MICHIGAN, INCLUDING FOR AN EXCESS GROWER LICENSE.

AA. STATE OPERATING LICENSE (OR LICENSE) - A LICENSE THAT IS ISSUED UNDER THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281, OR THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), 2018 IL 1, MCL 333.27951 ET SEQ, THAT ALLOWS THE LICENSEE TO OPERATE AS ONE (1) OF THE FOLLOWING, SPECIFIED IN THE LICENSE:

1. A GROWER.
2. AN EXCESS GROWER.
3. A PROCESSOR.
4. A SECURE TRANSPORTER (FACILITY).
5. A PROVISIONING CENTER.
6. A SAFETY COMPLIANCE FACILITY.

7. A RETAIL FACILITY.

8. MICROBUSINESS

9. CLASS A MARIHUANA MICROBUSINESS

BB. USABLE MARIHUANA-THE DRIED LEAVES, FLOWERS, PLANT RESIN, OR EXTRACT OF THE MARIHUANA PLANT, BUT DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT.

CC. MEDICAL RESEARCH FACILITY - AN APPLICANT WHICH (1) SEEKS A GROW AND PROCESSING AND/OR PROVISIONING CENTER LICENSE, (2) IS LOCATED IN A BUILDING OF AT LEAST 10,000 SQUARE FEET, (3) IN AN INDUSTRIALLY ZONED DISTRICT, WHERE (4) THE APPLICANT IS A VERIFIED MICHIGAN-LICENSED PHYSICIAN OR PARTNERSHIP/ENTITY MADE UP EXCLUSIVELY OF VERIFIED MICHIGAN-LICENSED PHYSICIANS, (5) AND ONE OR MORE MICHIGAN-LICENSED PHYSICIANS ARE PHYSICALLY ON SITE AND AVAILABLE TO SEE MEDICAL MARIHUANA PATIENTS DURING AT LEAST HALF OF OPERATING HOURS AND (5) ANNUALLY DEMONSTRATES PROOF OF CLINICAL RESEARCH INVOLVING MEDICAL MARIHUANA; IS DEFINED AS A "MEDICAL RESEARCH FACILITY" AND THUSLY SHALL BE SUBJECT TO AMENDED LOCATIONAL STANDARDS.

DD. MICROBUSINESS - PERSON OR ENTITY 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, LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER.

EE. DESIGNATED CONSUMPTION ESTABLISHMENT - A COMMERCIAL SPACE THAT LEGALLY PERMITS THE ON-SITE CONSUMPTION OF ADULT-USE MARIJUANA VIA A LICENSE FROM THE STATE.

FF. EXCESS GROWER - A GROWING FACILITY THAT IS LICENSED FOR 5 CLASS C MARIHUANA GROWER LICENSES AND LICENSED TO CULTIVATE MARIHUANA AND SELL OR OTHERWISE TRANSFER MARIHUANA TO MARIHUANA ESTABLISHMENTS.

GG. RETAILER (OR RETAIL FACILITY) - A LICENSEE THAT IS AN ENTITY LOCATED IN THIS STATE THAT PURCHASES MARIHUANA FROM A GROWER OR PROCESSOR AND SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO PERSONS 21 YEARS OF AGE OR OLDER. RETAILER INCLUDES ANY COMMERCIAL PROPERTY WHERE MARIHUANA IS SOLD AT RETAIL TO PERSONS 21 YEARS OF AGE OR OLDER. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT CONNECTED TO THE CAREGIVER THROUGH THE DEPARTMENT'S MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA

ACT IS NOT A RETAILER FOR PURPOSES OF THIS ORDINANCE.

HH. YOUTH CENTER-A GOVERNMENT OR NONPROFIT FACILITY THAT OFFERS REGULAR, ON-SITE PROGRAMS AND SERVICES PRIMARILY TO PERSONS 18 YEARS OF AGE AND UNDER AND IS USED FOR SAID PROGRAMS AND SERVICES FOR A MINIMUM OF TWO (2) DAYS A WEEK YEAR-ROUND. PROGRAMS AND SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO, SOCIAL, TRAINING, CULTURAL, ARTISTIC, ATHLETIC, RECREATIONAL OR ADVISORY SERVICES AND ACTIVITIES AND INCLUDES PRIVATE YOUTH MEMBERSHIP ORGANIZATIONS OR CLUBS AND SOCIAL SERVICE TEENAGE CLUB FACILITIES.

#### **§50-80.4. LICENSE ALLOCATION AND ANNUAL FEES**

A. NO PERSON SHALL OPERATE A GROUP "E", "F", OR "G" USE IN THE CITY OF FLINT WITHOUT OBTAINING BOTH A LICENSE TO DO SO THROUGH BOTH THE CITY AND THE STATE.

B. THE CITY AFFIRMATIVELY OPTS OUT OF THE DESIGNATED CONSUMPTION ESTABLISHMENT LICENSE TYPE AND SHALL NOT GRANT ANY SUCH LICENSE.

C. A LICENSEE FOR MEDICAL AND ADULT-USE MARIHUANA MUST MAINTAIN BOTH LICENSE TYPES WITH BOTH THE STATE AND THE CITY.

D. THE NON-REFUNDABLE APPLICATION FEE FOR A MARIHUANA FACILITY LICENSE IS \$1500 PER LICENSE, AND THE ANNUAL FEE FOR A MARIHUANA FACILITY LICENSE SHALL BE \$5000. THE TERM OF EACH LICENSE SHALL



BE ONE (1) YEAR, BEGINNING WHEN THE LICENSEE IS GRANTED A CERTIFICATE OF OCCUPANCY PERMIT FROM THE BUILDING & SAFETY, INSPECTIONS DIVISION.

1. THE \$5000 ANNUAL LICENSE FEE BEGINS AND COMMENCES AT THE TIME OF RECEIPT OF THE APPLICANT'S CERTIFICATE OF OCCUPANCY BY THE CITY.

**§50-80.5. OPERATION WITHOUT LICENSE PROHIBITED**

- A. EVERY MARIHUANA ESTABLISHMENT IN THE CITY OF FLINT SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. NO PERSON OR ENTITY SHALL OPERATE A MARIHUANA ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE. A MARIHUANA ESTABLISHMENT OPERATION WITHOUT A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER OR WITHOUT A STATE LICENSE OR APPROVAL PURSUANT TO THE MMFLA, AS AMENDED FROM TIME TO TIME, IS HEREBY DECLARED TO BE A PUBLIC NUISANCE AND MAY BE SHUT DOWN BY LAW ENFORCEMENT.

**§50-80.6. LICENSE APPLICATION SUBMISSION**

- A. APPLICATION FOR ANY GROUP "E", "F", OR "G" MARIHUANA LICENSE REQUIRED BY THIS ORDINANCE SHALL BE MADE IN WRITING TO THE ZONING COORDINATOR, AND MUST BE APPROVED BY THE PLANNING COMMISSION, AND APPROVED BY THE STATE OF MICHIGAN, PRIOR TO COMMENCING OPERATION. UPON THE EXPIRATION OF AN EXISTING LICENSE, A LICENSE WILL BE AUTOMATICALLY RENEWED BY THE

CITY OF FLINT FOR ONE (1) YEAR IF THE FOLLOWING CONDITIONS ARE MET: (1) THERE ARE NO UNCURED ADMINISTRATIVE VIOLATIONS IN THE PRIOR YEAR; (2) THE APPLICANT HAS PAID THE ANNUAL LICENSING FEE FOR THE RENEWAL PERIOD; (3) ANY STAKEHOLDER CHANGES HAVE BEEN FULLY DISCLOSED TO THE CITY OF FLINT; AND (4) THE APPLICANT HAS PAID AND RECEIVED THE RENEWAL OF ITS STATE LICENSE.

- B. AN APPLICATION FOR A MARIHUANA FACILITY LICENSE REQUIRED BY THIS ORDINANCE SHALL CONTAIN THE FOLLOWING:

1. THE APPROPRIATE NON-REFUNDABLE APPLICATION FEE IS \$1500 PER LICENSE, AND THE ANNUAL LICENSE FEE FOR A MARIHUANA FACILITY LICENSE SHALL BE \$5000, LESS THE INITIAL PAYMENT OF THE APPLICATION FEE FOR THE FIRST YEAR ONLY.
2. IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF GOVERNMENT ISSUED PHOTO IDENTIFICATION, EMAIL ADDRESS, AND ONE OR MORE PHONE NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION;
3. IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF BIRTH, PHYSICAL ADDRESSES, COPY OF GOVERNMENT ISSUED PHOTO IDENTIFICATION, EMAIL ADDRESSES, AND ONE OR MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING DESIGNATION OF THE HIGHEST RANKING STAKEHOLDER AS AN EMERGENCY CONTACT PERSON AND CONTACT

- INFORMATION FOR THE EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION, ASSUMED NAME REGISTRATION DOCUMENTS, INTERNAL REVENUE SERVICE SS-4 EIN CONFIRMATION LETTER, AND A COPY OF THE OPERATING AGREEMENT OF THE APPLICANT, IF A LIMITED LIABILITY COMPANY, A COPY OF THE PARTNERSHIP AGREEMENT, IF A PARTNERSHIP, OR A COPY OF THE BY-LAWS OR SHAREHOLDER AGREEMENT, IF A CORPORATION;
4. THE NAME AND ADDRESS OF THE PROPOSED MARIHUANA FACILITY AND ANY ADDITIONAL CONTACT INFORMATION DEEMED NECESSARY AND REQUESTED BY THE CITY;
  5. FOR THE APPLICANT, FOR EACH STAKEHOLDER OF THE APPLICANT, AN AFFIRMATION UNDER OATH AS TO WHETHER THEY ARE AT LEAST 18 YEARS OF AGE AND HAVE NEVER BEEN INDICTED FOR, CHARGED WITH, ARREST FOR, OR CONVICTED OR PLED GUILTY OR NOLO CONTENDERE TO, FORFEITED BAIL CONCERNING, OR HAD EXPUNGED ANY CRIMINAL OFFENSE UNDER THE LAWS OF ANY JURISDICTION, EITHER FELONY OR CONTROLLED-SUBSTANCE-RELATED MISDEMEANOR NOT INCLUDING TRAFFIC VIOLATIONS, REGARDLESS OF WHETHER THE OFFENSE HAS BEEN EXPUNGED, PARDONED, REVERSED ON APPEAL OR OTHERWISE, INCLUDING THE DATE, NAME AND LOCATION OF THE COURT, ARRESTING AGENCY, AND PROSECUTING AGENCY, THE CASE CAPTION, THE DOCKET NUMBER, THE OFFENSE, THE DISPOSITION, AND THE LOCATION AND LENGTH OF INCARCERATION;
  6. AN AFFIRMATION UNDER OATH THAT THE APPLICANT, BEFORE HIRING A PROSPECTIVE AGENT OR EMPLOYEE OF THE APPLICANT, AND AFTER, THE HOLDER OF A LICENSE SHALL CONDUCT A BACKGROUND CHECK OF THE PROSPECTIVE EMPLOYEE. IF THE BACKGROUND CHECK INDICATES A PENDING CHARGE OR CONVICTION WITHIN THE PAST TEN (10) YEARS FOR A CONTROLLED SUBSTANCE-RELATED FELONY, THE APPLICANT SHALL NOT HIRE THE PROSPECTIVE EMPLOYEE OR AGENT WITHOUT WRITTEN PERMISSION FROM THE CITY COUNCIL;
  7. A SIGNED RELEASE AUTHORIZING THE CITY OF FLINT POLICE DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK IN ACCORDANCE WITH THE MASTER FEE SCHEDULE PAYABLE TO THE FLINT POLICE DEPARTMENT IN ADVANCE TO ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE APPLICANT, EACH MANAGERIAL EMPLOYEE AND EMPLOYEE OF THE APPLICANT MEET THE CRITERIA SET FORTH IN THIS ORDINANCE;
  8. THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO IDENTIFICATION, AND EMAIL ADDRESS FOR ANY MANAGERIAL EMPLOYEE OR EMPLOYEE OF THE MARIHUANA FACILITY, IF OTHER THAN THE APPLICANT;

9. AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT OR STAKEHOLDER HAS EVER APPLIED FOR OR HAS BEEN GRANTED ANY COMMERCIAL LICENSE 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;
10. ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE PREMISES WHEREIN THE MARIHUANA FACILITY 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 OR (C) A PURCHASE AGREEMENT EXECUTED BY BOTH THE APPLICANT AS PURCHASER AND THE SELLER OF THE PARCEL IN QUESTION;
11. PROOF OF AN ADEQUATE PREMISE LIABILITY AND CASUALTY INSURANCE POLICY IN THE AMOUNT NOT EXCEEDING THE REQUIREMENTS ADDRESSED IN THE MEDICAL MARIHUANA FACILITIES LICENSING ACT OR THE MRTMA OR APPLICABLE STATE LAWS, COVERING THE MARIHUANA FACILITY AND NAMING THE CITY AS AN ADDITIONAL INSURED PARTY, AVAILABLE FOR THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN ACT OR OMISSION OF THE APPLICANT OR ITS STAKEHOLDERS, AGENTS, EMPLOYEES, OR SUBCONTRACTORS;
12. A SECURITY PLAN FOR THE MARIHUANA FACILITY THAT CONTAINS A COMPREHENSIVE DIAGRAM, INCLUDING, BUT NOT LIMITED TO, ANY LIGHTING, ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE FACILITY AND PREMISES. THE SECURITY PLAN MUST CONTAIN THE SPECIFICATION DETAILS OF EACH PIECE OF SECURITY EQUIPMENT. EACH MARIHUANA FACILITY MUST HAVE A SECURITY GUARD PRESENT DURING BUSINESS HOURS OR ALTERNATIVE SECURITY PROCEDURES SHALL BE PROPOSED IN THE BUSINESS PLAN;
- I. SECURITY CAMERAS ARE REQUIRED FOR ANY GROUP "E", "F" OR "G" ADDITIONALLY REGULATED USE OPERATION. FOR GROUP "E", "F", AND "G." ADDITIONALLY REGULATED USES, THE SECURITY PLANS MOST INCLUDE DETAILS ON THE LOCATION AND NUMBER OF SECURITY CAMERAS LOCATED ON THE PREMISES, BOTH ON THE INTERIOR AND EXTERIOR. AT A MINIMUM, SECURITY CAMERAS MUST BE INSTALLED TO CAPTURE ALL ENTRY AND EXIT DOORS,

PUBLIC COUNTERS, AND  
PARKING LOTS;

THE MRTMA OR OTHER  
APPLICABLE STATE LAWS;

- II. THE MAKE AND MODEL OF THE SECURITY CAMERAS MUST MEET THE FLINT PROJECT C.A.T.T. EYE SPECIFICATIONS AND THE VIDEO FEED MADE AVAILABLE TO BE MONITORED TWENTY-FOUR HOURS/DAY BY THE FLINT POLICE DEPARTMENT. SIGNS AND DECALS ARE STRONGLY ENCOURAGED TO BE POSTED WITHIN THE MARIHUANA ESTABLISHMENT INDICATING THE FACILITY IS PART OF FLINT PROJECT C.A.T.T. EYE.
13. A FLOOR PLAN OF THE MARIHUANA FACILITY, AS WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH THE MARIHUANA FACILITY IS TO BE OPERATED, INCLUDING ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;
14. AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY. SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS, FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;
15. AN AFFIDAVIT THAT THE TRANSFER OF MARIHUANA TO AND FROM MARIHUANA FACILITIES SHALL BE IN COMPLIANCE WITH THE MMA AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT AND
16. A STAFFING PLAN COMPLETE WITH AN ORGANIZATIONAL CHART LISTING ALL INDIVIDUALS THAT INCLUDES POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON HOLDING EACH POSITION;
17. ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON THE EXTERIOR OF THE PROPOSED MARIHUANA FACILITY;
18. A BUSINESS PLAN THAT INCLUDES A PROPOSED MARKETING PLAN, SCHEDULED TANGIBLE CAPITAL INVESTMENT IN THE CITY INCLUDING AN EXPLANATION OF THE ECONOMIC BENEFITS TO THE CITY AND JOB CREATION STATISTICS. THE PLAN SHOULD INCLUDE BOTH THE SHORT AND LONG-TERM GOALS AND OBJECTIVES OF THE BUSINESS OPERATION;
19. A LOCATION AREA MAP OF THE MARIHUANA FACILITY AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE LOCATIONS AND THE DISTANCES (CLOSEST PROPERTY LINE TO THE SUBJECT MARIHUANA FACILITY'S BUILDING) TO THE SUBJECT MARIHUANA FACILITY TO THE CLOSEST REAL PROPERTY COMPRISING A PRE-K-12 SCHOOL, LICENSED HOME-BASED DAYCARE CENTERS, YOUTH CENTER, SUBSTANCE ABUSE DISORDER CENTER OR SUBSTANCE ABUSE REHABILITATION CENTER LICENSED BY THE STATE, A PLACE OF WORSHIP AND ANY DEDICATED PUBLIC PARK(S);

20. 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 IN THE SEWERAGE SYSTEM IS PROHIBITED;
21. A HAZARDOUS MATERIAL PLAN, INDICATING WHAT, IF ANY, HAZARDOUS SUBSTANCES WILL BE ON THE PREMISES, IN WHAT QUANTITIES, THE INTENDED USAGE OF SUCH HAZARDOUS MATERIALS, AND THE PLANS FOR THE DISPOSAL OF SUCH HAZARDOUS MATERIALS AND/OR THEIR BYPRODUCTS. ALL WASTE THAT HIS HAZARDOUS MUST BE DISPOSED OF PURSUANT TO PART 111 OF 1994 PA 451, HAZARDOUS WASTE MANAGEMENT.
22. A PROPOSED PATIENT AND/OR CUSTOMER RECORDKEEPING PLAN THAT WILL TRACK QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND/OR CUSTOMERS 21 YEARS OF AGE AND OLDER, AND WILL MONITOR INVENTORY;
23. A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS, INCLUDING MOLD AND PESTICIDES;
24. AN AFFIRMATION UNDER OATH THAT THE APPLICANT ACKNOWLEDGES THE CURRENT STATUS OF FEDERAL MARIHUANA LAW AND AGREES THAT, AS A CONDITION OF RECEIVING A LICENSE FROM THE CITY OF FLINT, ANY PLANT(S) POSSESSED BY THE APPLICANT IN EXCESS OF THE LICENSED QUANTITY OF PLANTS PERMITTED MAY BE IMMEDIATELY CONFISCATED FOR DESTRUCTION WITHOUT A HEARING; AND THAT THE APPLICANT AGREES TO WAIVE ANY RIGHT OF RECOURSE AGAINST THE CITY FOR ANY DAMAGES OR RESTITUTION FOR THE VALUE OF SUCH EXCESS PLANT(S).
25. EACH APPLICANT SHALL PROVIDE AN ATTESTATION ACKNOWLEDGING THAT SANCTIONS MAY BE IMPOSED FOR ORDINANCE OR STATE LAW VIOLATIONS WHILE LICENSED OR AFTER THE MARIHUANA LICENSE HAS EXPIRED, AS PROVIDED FOR UNDER STATE LAW AND UNDER CITY ORDINANCES.
26. AS IT RELATES TO A GROWING OR A PROCESSING FACILITY OR AN EXCESS GROWER, THE FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:
- I. A GROWER PLAN THAT INCLUDES AT A MINIMUM A DESCRIPTION OF THE GROWER METHODS TO BE USED, INCLUDING PLANS FOR THE GROWING MEDIUMS, TREATMENTS AND/OR ADDITIVES;
  - II. A PROCESSING PLAN THAT INCLUDES AT A MINIMUM A DESCRIPTION OF THE METHODS TO BE USED;
  - III. A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING BY A

STATE APPROVED SAFETY COMPLIANCE FACILITY WILL BE SELECTED, WHAT TYPE OF TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE USED;

IV. AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN CONFORMANCE WITH THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR OTHER APPLICABLE STATE LAWS AND SUCH OPERATIONS SHALL NOT BE CULTIVATED ON THE PREMISES AT ANY ONE TIME MORE THAN THE PERMITTED NUMBER OF MARIHUANA PLANTS PER THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED, THE MRTMA, AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT;

V. A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE NAMES OF THE CHEMICALS AND PESTICIDES TO BE USED IN A GROWING OR PROCESSING FACILITY, AND WHERE AND HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE FACILITY, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED PESTICIDES;

VI. ALL GROWERS, EXCESS GROWERS AND PROCESSORS MUST BE PERFORMED WITHIN AN ENCLOSED LOCKED FACILITY WHICH MAY INCLUDE INDOORS OR IN AN ENCLOSED GREENHOUSE.

#### **§50-80.6. REVIEW OF APPLICATIONS**

A. UPON RECEIPT OF A COMPLETED MARIHUANA FACILITY APPLICATION MEETING THE REQUIREMENTS OF THIS ORDINANCE, ABOVE, THE ZONING COORDINATOR SHALL REFER A COPY OF THE APPLICATION TO EACH OF THE FOLLOWING FOR THEIR REVIEW AND APPROVAL: THE CITY ATTORNEY OR THEIR DESIGNEE, THE POLICE DEPARTMENT OR THEIR DESIGNEE, THE FIRE DEPARTMENT OR THEIR DESIGNEE, THE BUILDING & SAFETY INSPECTIONS DIVISION AND THE DIRECTOR OF PLANNING & DEVELOPMENT OR THEIR DESIGNEE. ONCE APPLICATIONS ARE VERIFIED BY EACH DEPARTMENT TO BE SUFFICIENTLY COMPLETE AND COMPREHENSIVE, AND NO SOONER, THE ZONING COORDINATOR SHALL FORWARD THE APPLICATIONS TO THE PLANNING COMMISSION. THE PLANS THAT ARE SUBMITTED FOR BOTH PRELIMINARY REVIEW AND FINAL REVIEW, MUST BE COMPLETED BY A STATE OF MICHIGAN LICENSED ARCHITECT OR ENGINEER. THE PLANS MUST INCLUDE ALL OF THE REQUIRED ELEMENTS MENTIONED IN THIS SECTION. PRELIMINARY PLANS MUST BE STAMPED AND SIGNED BY THE LICENSED ARCHITECT OR ENGINEER WHO AUTHORED THE PLANS. FINAL PLANS MUST BE STAMPED, SIGNED AND SEALED BY THE LICENSED ARCHITECT OR ENGINEER WHO AUTHORED THE PLANS.

1. NO APPLICATION SHALL BE APPROVED UNLESS:

I. THE FIRE DEPARTMENT OR DESIGNEE AND THE BUILDING & SAFETY INSPECTIONS DIVISION HAVE INSPECTED THE PLANS OF THE PROPOSED LOCATION FOR COMPLIANCE

WITH ALL LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT;

- II. THE APPLICANT, EACH STAKEHOLDER OF THE APPLICANT, AND THE MANAGERIAL EMPLOYEES AND EMPLOYEES OF THE APPLICANT, HAVE PASSED A CRIMINAL BACKGROUND CHECK CONDUCTED BY THE STATE OF MICHIGAN;
  - III. THE ZONING COORDINATOR HAS CONFIRMED THAT THE PROPOSED LOCATION COMPLIES WITH THE ZONING CODE;
  - IV. THE CITY TREASURER OR THEIR DESIGNEE HAS CONFIRMED THAT THE APPLICANT AND EACH STAKEHOLDER OF THE APPLICANT ARE NOT IN DEFAULT TO THE CITY;
  - V. THE CITY ATTORNEY OR THEIR DESIGNEE HAS COMPLETED A DETAILED REVIEW OF THE MARIHUANA FACILITY APPLICATION FOR COMPLIANCE WITH THE APPLICABLE STATE LAWS AND CITY ORDINANCES.
2. IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT IDENTIFIED IN SUBSECTION 1-5, THE ZONING COORDINATOR SHALL SUBMIT THE APPLICATION TO THE PLANNING COMMISSION FOR RECOMMENDATION TO THE CITY COUNCIL FOR THE ISSUING OF A LICENSE TO THE APPLICANT. ALL LICENSES ISSUED ARE CONTINGENT UPON THE STATE OF MICHIGAN ISSUING A LICENSE FOR

THE OPERATION UNDER STATE LAW.

3. LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION REQUIRED BY SUBSECTION 4 ABOVE, TO THE CITY WITHIN TEN (10) DAYS OF THE CHANGE. APPLICATION FEES SHALL BE SET BY COUNCIL RESOLUTION FOR ANY STAKEHOLDER ADDED AFTER THE ORIGINAL APPLICATION IS FILED.

**§50-80.7. LICENSE EVALUATION; LIMITED ADMINISTRATIVE APPROVAL**

- A. THE PLANNING COMMISSION SHALL ASSESS ALL APPLICATIONS PURSUANT TO ITS AUTHORITY UNDER THE CITY ZONING CODE AND THE TERMS OUTLINED HEREIN.
- B. PAST CRIMINAL CONVICTIONS OF THE APPLICANT OR STAKEHOLDER WILL BE EVALUATED. CONVICTIONS INVOLVING ANY OF THE FOLLOWING LISTED BELOW, BUT NOT LIMITED TO, MAY RESULT IN DENIAL OF THE APPLICATION.
  1. GAMBLING;
  2. PROSTITUTION;
  3. WEAPONS;
  4. VIOLENCE;
  5. TAX EVASION;
  6. FRAUDULENT ACTIVITY; AND
  7. SERIOUS MORAL TURPITUDE.
- C. THE PLANNING COMMISSION SHALL CONSIDER THE COMMUNITY IMPACT OF THE PROPOSED REGULATED USE, INCLUDING BUT NOT LIMITED TO THE NUMBER OF JOBS CREATED, THE

NUMBER OF JOBS THAT WILL BE CREATED SPECIFICALLY FOR CITY OF FLINT RESIDENTS, AND THE OVERALL IMPACT ON THE CHARACTER AND GROWTH OF THE SURROUNDING NEIGHBORHOOD.

D. FURTHER GROUNDS FOR DENIAL OF THE APPLICATION MAY INCLUDE 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.

E. THE PLANNING COMMISSION, IN EVALUATING A LICENSE APPLICATION, MAY CONSIDER WHETHER THE APPLICANT OR STAKEHOLDER HAS FILED, OR HAD FILED AGAINST IT, A PROCEEDING FOR BANKRUPTCY WITHIN THE PAST SEVEN (7) YEARS AS GROUNDS FOR DENIAL.

F. THE PLANNING COMMISSION, IN EVALUATING A LICENSE APPLICATION, MAY CONSIDER WHETHER THE APPLICANT OR STAKEHOLDER HAS A HISTORY OF NONCOMPLIANCE WITH ANY REGULATORY REQUIREMENTS IN THIS STATE OR ANY OTHER JURISDICTION AS GROUNDS FOR DENIAL.

G. THE PLANNING COMMISSION MAY FURTHER IMPOSE ANY CONDITIONS OR LIMITATIONS UPON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE OR OPERATIONS OF REGULATED USE AS MAY IN ITS JUDGMENT BE NECESSARY FOR THE PROTECTION OF THE PUBLIC INTEREST. ANY EVIDENCE AND GUARANTEE MAY BE REQUIRED AS PROOF THAT THE CONDITIONS STIPULATED IN

CONNECTION THEREWITH WILL BE FULFILLED.

H. IF AN APPLICANT WHO ALREADY HOLDS AN SRU UNDER THIS SECTION SEEKS A RELATED RECREATIONAL MARIHUANA LICENSE PURSUANT TO THE MRTMA ON THE SAME SITE OF THAT EXISTING SRU, WITH NO MODIFICATION TO PREVIOUSLY APPROVED SITE PLANS OR FLOOR PLANS, AND THAT APPLICANT MAINTAINS A VALID AND RELATED MMFLA LICENSE WITH THE STATE OF MICHIGAN AND THE CITY OF FLINT, THAT APPLICATION MAY BE ADMINISTRATIVELY APPROVED IN CONSULTATION WITH THE PLANNING COMMISSION CHAIR OR THE CHAIR'S DESIGNEE, AND ADDED TO THE EXISTING ADDITIONALLY REGULATED USE PERMIT, BY THE CITY'S ZONING COORDINATOR UPON PAYMENT OF A NONREFUNDABLE ADDITIONALLY REGULATED USE PERMIT APPLICATION FEE.

#### **§50-80.8. MINIMUM OPERATING STANDARDS OF MEDICAL MARIHUANA PROVISIONING CENTERS AND RETAILERS**

A. THE FOLLOWING MINIMUM STANDARDS FOR PROVISIONING CENTERS AND RETAILERS SHALL APPLY

1. OPERATING HOURS LIMITED TO BETWEEN 8:00 A.M. AND 9 9P.M. MONDAY THROUGH SATURDAY AND 12:00 NOON AND 6:00 P.M. SUNDAY;

2. IF IN A MULTI-USE OR MULTI-TENANT BUILDING, THE GROUP "E" ADDITIONALLY REGULATED USE SHALL NOT USE COMMON ENTRANCES OR ENTRANCES OFF A COMMON HALL AND MUST BE



DIRECTLY ACCESSED FROM THE OUTSIDE BY ITS OWN SEPARATE ENTRANCE;

- I. IF CO-LOCATED WITH A GROUP "F" ADDITIONALLY REGULATED USE, THE STRUCTURE MUST BE A MINIMUM OF 9,000 SQUARE FEET, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS, AND MUST BE SEPARATED BY WALLS, AND ACCESSIBLE VIA SEPARATE ENTRANCES PURSUANT TO STATE BUILDING CODE.
3. CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES OF A PROVISIONING CENTER OR RETAILER, AND A SIGN SHALL BE POSTED ON THE PREMISES OF EACH PROVISIONING CENTER OR RETAILER INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;
4. PROVISIONING CENTERS AND RETAILERS SHALL CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS;
5. UNLESS PERMITTED BY THE MMMA, AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, PUBLIC OR COMMON AREAS OF THE PROVISIONING CENTER OR RETAILER MUST BE SEPARATED FROM RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER OR RETAILER BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE

MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN AREA ACCESSIBLE TO THE GENERAL PUBLIC; RESTRICTED ACCESS AREA MEANS A DESIGNATED AND SECURE AREA AT A MARIHUANA BUSINESS WHERE MARIHUANA PRODUCTS ARE SOLD, POSSESSED FOR SALE, OR DISPLAYED FOR SALE.

6. ALL MARIHUANA STORAGE AREAS WITHIN THE PROVISIONING CENTER OR RETAILER MUST BE SEPARATED FROM ANY CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED IN AN AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED CUSTOMERS/PATIENTS. MARIHUANA MAY BE DISPLAYED IN A SALES AREA ONLY IF PERMITTED BY THE MMMA, THE MRTMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT;
7. ANY USABLE MARIHUANA REMAINING ON THE PREMISES OF A PROVISIONING CENTER OR RETAILER WHILE THE PROVISIONING OR RETAILER CENTER IS NOT IN OPERATION SHALL BE SECURED IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;
8. DRIVE-THROUGH WINDOW(S) ON THE PREMISES OF A PROVISIONING CENTER OR RETAILER SHALL NOT BE PERMITTED;
9. PROVISIONING CENTER OR RETAILER SHALL NOT ALLOW THE SALE, CONSUMPTION, OR USE OF

ALCOHOL OR TOBACCO PRODUCTS ON THE PREMISES;

10. NO PROVISIONING CENTER OR RETAILER 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 PROVISIONING CENTER OR RETAILER IS OPERATED;

11. THE LICENSE REQUIRED BY THIS ORDINANCE SHALL BE PROMINENTLY DISPLAYED ON THE PREMISES OF A PROVISIONING CENTER OR RETAILER;

12. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 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 MARIHUANA FACILITY;
- 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, 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;

III. TO INSPECT THE PERSON, AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;

IV. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAWS.

**§50-80.9. MINIMUM OPERATING STANDARDS OF A CLASS A MARIHUANA MICROBUSINESS**

A. THE FOLLOWING MINIMUM STANDARDS FOR A CLASS A MARIHUANA MICROBUSINESS SHALL APPLY

1. OPERATING HOURS FOR RETAIL CUSTOMERS SHALL LIMITED TO BETWEEN 8:00 A.M. AND 9P.M. MONDAY THROUGH SATURDAY

AND 12:00 NOON AND 6:00 P.M. SUNDAY;

2. A CLASS A MARIHUANA MICROBUSINESS SHALL NOT BE CO-LOCATED ON THE SAME PARCEL WITH ANOTHER GROUP "E" OR GROUP "F" ADDITIONALLY REGULATED USE;

3. CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES OF A CLASS A MARIHUANA MICROBUSINESS, AND A SIGN SHALL BE POSTED ON THE PREMISES OF EACH CLASS A MARIHUANA MICROBUSINESS INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;

4. CLASS A MARIHUANA MICROBUSINESSES SHALL CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS;

5. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, PUBLIC OR COMMON AREAS OF THE CLASS A MARIHUANA MICROBUSINESS MUST BE SEPARATED FROM RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER OR RETAILER BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN AREA ACCESSIBLE TO THE GENERAL PUBLIC;

6. ALL MARIHUANA STORAGE, GROW AND/OR PROCESSING AREAS WITHIN THE CLASS A MARIHUANA MICROBUSINESS MUST BE SEPARATED FROM ANY CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED IN AN AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED CUSTOMERS/PATIENTS.

MARIHUANA MAY BE DISPLAYED IN A SALES AREA ONLY IF PERMITTED BY THE MMMA, THE MRTMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT;

7. ANY USABLE MARIHUANA REMAINING ON THE PREMISES OF A CLASS A MARIHUANA MICROBUSINESS WHILE THE MICROBUSINESS IS NOT IN OPERATION SHALL BE SECURED IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

8. DRIVE-THROUGH WINDOW(S) ON THE PREMISES OF A CLASS A MARIHUANA MICROBUSINESS SHALL NOT BE PERMITTED;

9. A CLASS A MARIHUANA MICROBUSINESS SHALL NOT ALLOW THE SALE, CONSUMPTION, OR USE OF ALCOHOL OR TOBACCO PRODUCTS ON THE PREMISES;

10. NO CLASS A MARIHUANA MICROBUSINESS 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 CLASS A MARIHUANA MICROBUSINESS IS OPERATED;

11. THE LICENSE REQUIRED BY THIS ORDINANCE SHALL BE PROMINENTLY DISPLAYED ON THE PREMISES OF A CLASS A MARIHUANA MICROBUSINESS;

12. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 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 MARIHUANA FACILITY;
- 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, 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;

III. TO INSPECT THE PERSON, AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;

IV. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAWS.

13. THE CLASS A MARIHUANA MICROBUSINESS SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

14. ANY CLASS A MARIHUANA MICROBUSINESS 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 MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT;

15. 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 CLASS A MARIHUANA MICROBUSINESSES' GROWING OR HARVESTING OF MARIHUANA ARE LOCATED;

16. THAT PORTION OF THE STRUCTURE STORING ANY CHEMICALS SUCH AS HERBICIDES, PESTICIDES, AND FERTILIZERS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF FLINT FIRE DEPARTMENT TO ENSURE COMPLIANCE WITH ALL APPLICABLE STATUTES, CODES AND ORDINANCES;

17. ALL PERSONS WORKING IN DIRECT CONTACT WITH MARIHUANA 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. 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.

18. 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 MARIJUANA IS EXPOSED.

19. FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND IN GOOD REPAIR;

20. THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION AGAINST THE ENTRY OR 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;

21. ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;

22. EACH CLASS A MARIHUANA MICROBUSINESS FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

23. MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

24. CLASS A MARIHUANA MICROBUSINESSES SHALL BE FREE FROM INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

25. ALL GROWING, PROCESSING AND RETAIL ACTIVITY RELATED TO THE CLASS A MARIHUANA MICROBUSINESS SHALL BE DONE INDOORS;

**§50-80.10. MINIMUM OPERATING STANDARDS OF COMMERCIAL MEDICAL MARIHUANA GROWING CENTERS, INCLUDING EXCESS GROWERS**

A. THE FOLLOWING MINIMUM STANDARDS FOR GROWING CENTERS SHALL APPLY

1. THE GROWING FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

2. AT NO TIME AND FOR ANY REASON, SHALL THE ENCLOSED STRUCTURE BE OPEN TO THE GENERAL PUBLIC;

3. NO GROWING FACILITY 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 GROWER FACILITY IS OPERATED;

4. ANY GROWING 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 MMMA, THE MRTMA, AND MEDICAL MARIHUANA FACILITIES LICENSING ACT;

5. GROWING CENTERS SHALL CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS.

6. ALL MARIHUANA SHALL BE CONTAINED WITHIN AN ENCLOSED LOCKED FACILITY;

7. 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;

8. THAT PORTION OF THE STRUCTURE STORING ANY

CHEMICALS SUCH AS HERBICIDES, PESTICIDES, AND FERTILIZERS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF FLINT FIRE DEPARTMENT TO ENSURE COMPLIANCE WITH ALL APPLICABLE STATUTES, CODES AND ORDINANCES;

9. THE DISPENSING OF MARIHUANA AT THE GROWING FACILITY SHALL BE PROHIBITED;

I. IF CO-LOCATED WITH A GROUP "E" ADDITIONALLY REGULATED USE PROVISIONING CENTER OR RETAILER, THE STRUCTURE MUST BE A MINIMUM OF 9,000 SQUARE FEET, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS, AND MUST BE SEPARATED BY WALLS, AND ACCESSIBLE VIA SEPARATE ENTRANCES PURSUANT TO STATE BUILDING CODE.

II. ON SUCH A CO-LOCATED SITE, THE DISPENSING OF MARIHUANA MUST ONLY BE IN THE AREA DESIGNATED SPECIFICALLY AS THE PROVISIONING CENTER OR RETAILER.

10. ALL PERSONS WORKING IN DIRECT CONTACT WITH MARIHUANA 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. 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.

11. 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 MARIJUANA IS EXPOSED.

12. FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND IN GOOD REPAIR;

13. THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION AGAINST THE ENTRY OR 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;

14. ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;

15. EACH GROWER FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

16. MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

17. GROWER FACILITY SHALL BE FREE FROM INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

18. THE CENTER MUST BE LOCATED IN A STRUCTURE THAT IS A MINIMUM OF 2,000 SQUARE FEET, FOR A CLASS A LICENSED GROWER, 5,000 SQUARE FEET FOR A CLASS B LICENSED GROWER, AND 8,000 SQUARE FEET FOR A CLASS C LICENSED GROWER OR EXCESS GROWER, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS. THE BUILDING(S) MAY BE SPLIT AMONG MULTIPLE STATE LICENSED GROWERS, AND PROCESSING CENTERS, GIVEN THAT THERE ARE WALLS OR PARTITIONS ERECTED BETWEEN THEM AND APPROVED BY BUILDING AND SAFETY INSPECTION OFFICIALS, PURSUANT TO STATE BUILDING CODE.

19. A GROWING CENTER SHALL PROVIDE ONLY WHOLESALE

PRODUCTS FOR THE USE AT OTHER MEDICAL MARIHUANA PROVISIONING CENTERS OR RETAILERS.

20. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, 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 MARIHUANA FACILITY;

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, 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;

III. TO INSPECT THE PERSON,  
AND INSPECT OR EXAMINE  
PERSONAL EFFECTS  
PRESENT IN A MARIHUANA  
FACILITY, OF ANY HOLDER  
OF STATE OPERATING  
LICENSE WHILE THAT  
PERSON IS PRESENT IN A  
MARIHUANA FACILITY;

IV. TO INVESTIGATE ALLEGED  
VIOLATIONS OF THE  
MMMA, THE MRTMA, AND  
MEDICAL MARIHUANA  
FACILITIES LICENSING ACT  
OR APPLICABLE STATE  
LAWS.

**§50-80.11. MINIMUM OPERATING  
STANDARDS OF COMMERCIAL  
MEDICAL MARIHUANA PROCESSING  
CENTER**

A. THE FOLLOWING MINIMUM  
STANDARDS FOR PROCESSING  
CENTERS SHALL APPLY:

1. THE PROCESSOR SHALL COMPLY  
AT ALL TIMES AND IN ALL  
CIRCUMSTANCES WITH THE  
MICHIGAN MEDICAL MARIHUANA  
ACT, THE MEDICAL MARIHUANA  
FACILITIES LICENSING ACT, THE  
MRTMA, AND THE GENERAL RULES  
OF THE DEPARTMENT OF  
LICENSING AND REGULATORY  
AFFAIRS, AS THEY MAY BE  
AMENDED FROM TIME TO TIME;

2. CONSUMPTION AND/OR USE OF  
MARIHUANA SHALL BE  
PROHIBITED AT THE PROCESSOR  
FACILITY;

3. ALL ACTIVITY RELATED TO THE  
PROCESSOR FACILITY SHALL BE  
DONE INDOORS;

4. THE PREMISES SHALL BE OPEN,  
AT ALL TIMES, TO ANY MICHIGAN  
MARIHUANA REGULATORY  
AGENCY INVESTIGATORS, AGENTS,  
AUDITORS, THE STATE POLICE,  
LOCAL POLICE, LOCAL FIRE  
INSPECTORS OR LOCAL BUILDING  
AND SAFETY INSPECTION  
OFFICIALS, 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 NONCOMPLIANCE  
WITH THE MMMA, THE MRTMA,  
AND MEDICAL MARIHUANA  
FACILITIES LICENSING ACT 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 MARIHUANA  
FACILITIES;

II. 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,  
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;

III. TO INSPECT THE PERSON, AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;

IV. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS.

5. ANY PROCESSOR FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE WHICH COMPLIES WITH THE MMMA, AS AMENDED, THE MRTMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT OR APPLICABLE STATE LAWS;

6. ALL MARIHUANA SHALL BE TAGGED AS REQUIRED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES

LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS;

7. ALL MARIHUANA SHALL BE CONTAINED WITHIN ENCLOSED LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, AS AMENDED;

8. 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;

9. THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY CHEMICALS ARE LOCATED SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF FLINT FIRE DEPARTMENT TO INSURE COMPLIANCE WITH ALL APPLICABLE STATUTES, CODES AND ORDINANCES;

10. THE DISPENSING OF MARIHUANA AT THE PROCESSOR FACILITY SHALL BE PROHIBITED;

I. IF CO-LOCATED WITH A GROUP "E" ADDITIONALLY REGULATED USE, PROVISIONING CENTER OR RETAILER, THE STRUCTURE MUST BE A MINIMUM OF 9,000 SQUARE FEET, IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS, AND MUST BE SEPARATED BY WALLS, AND ACCESSIBLE VIA SEPARATE ENTRANCES PURSUANT TO STATE BUILDING CODE.

- II. ON SUCH A CO-LOCATED SITE, THE DISPENSING OF MARIHUANA MUST ONLY BE IN THE AREA DESIGNATED SPECIFICALLY AS THE PROVISIONING CENTER OR RETAILER.
11. ALL PERSONS WORKING IN DIRECT CONTACT WITH MARIHUANA 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. 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.
12. 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;
13. FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND IN GOOD REPAIR;
14. THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION AGAINST THE ENTRY OR 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;
15. ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;
16. EACH PROCESSOR FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
17. MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;
18. PROCESSOR FACILITY SHALL BE FREE FROM INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
19. PROCESSOR FACILITY SHALL PRODUCE NO PRODUCTS OTHER

THAN USEABLE MARIHUANA  
INTENDED FOR HUMAN  
CONSUMPTION.

20. THE CENTER MUST BE LOCATED  
IN A STRUCTURE THAT IS A  
MINIMUM OF 3,000 SQUARE FEET.  
THE BUILDING MAY BE SPLIT  
AMONG MULTIPLE STATE  
LICENSED GROWERS AND  
PROCESSORS, GIVEN THAT THERE  
ARE WALLS OR PARTITIONS  
ERECTED BETWEEN THEM AND  
APPROVED BY BSI OFFICIALS,  
PURSUANT TO STATE BUILDING  
CODE.

21. A GROWING CENTER SHALL  
PROVIDE ONLY WHOLESALE  
PRODUCTS FOR THE USE AT OTHER  
MARIHUANA PROVISIONING  
CENTERS OR RETAILERS.

**§50-80.12. MINIMUM OPERATING  
STANDARDS OF COMMERCIAL  
MARIHUANA SECURE TRANSPORT  
FACILITY**

A. THE FOLLOWING MINIMUM  
STANDARDS FOR SECURE  
TRANSPORTER SHALL APPLY

1. THE SECURE TRANSPORTER  
SHALL COMPLY AT ALL TIMES  
WITH THE MICHIGAN MEDICAL  
MARIHUANA ACT, THE  
MEDICAL MARIHUANA  
FACILITIES LICENSING ACT, THE  
MRTMA, THE MARIHUANA  
TRACKING ACT AND THE  
GENERAL RULES OF THE  
DEPARTMENT OF LICENSING  
AND REGULATORY AFFAIRS, AS  
THEY MAY BE AMENDED FROM  
TIME TO TIME.

2. CONSUMPTION AND OR USE OF  
MARIHUANA SHALL BE

PROHIBITED AT A FACILITY OF  
A SECURE TRANSPORTER.

3. STORAGE OF MARIHUANA BY A  
SECURE TRANSPORTER SHALL  
COMPLY WITH THE  
FOLLOWING:

I. SECURE TRANSPORT  
FACILITIES SHALL  
CONTINUOUSLY  
MONITOR THE ENTIRE  
PREMISES ON WHICH  
THEY ARE OPERATED  
WITH SURVEILLANCE  
SYSTEMS THAT INCLUDE  
SECURITY CAMERAS.

II. THE STORAGE FACILITY  
SHALL NOT BE USED FOR  
ANY OTHER  
COMMERCIAL PURPOSE.

III. THE STORAGE FACILITY  
SHALL NOT BE OPEN OR  
ACCESSIBLE TO THE  
GENERAL PUBLIC.

IV. THE STORAGE FACILITY  
SHALL BE MAINTAINED  
AND OPERATED SO AS TO  
COMPLY WITH ALL STATE  
AND LOCAL RULES,  
REGULATIONS AND  
ORDINANCE.

V. THE STORAGE FACILITY  
SHALL BE OPEN AT ALL  
TIMES TO ANY MICHIGAN  
REGULATORY AGENCY  
INVESTIGATOR, LOCAL  
OR STATE POLICE  
OFFICERS, LOCAL FIRE  
INSPECTORS OR LOCAL  
BUILDING AND SAFETY  
INSPECTION OFFICIALS,  
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 MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS IS LIKELY TO BE FOUND AND CONSISTENT WITH CONSTITUTIONAL LIMITATIONS FOR THE FOLLOWING PURPOSES:

4. TO INSPECT AND EXAMINE ALL PREMISES OF MARIHUANA FACILITY;

- I. 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, 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;

- II. TO INSPECT THE PERSON(S), AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT, IN A MARIHUANA FACILITY, OF ANY HOLDER OR STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;
- III. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS.
- IV. ALL MARIHUANA STORED WITHIN THE FACILITY SHALL BE STORED WITHIN ENCLOSED LOCKED FACILITIES IN ACCORDANCE WITH THE MMMA AS AMENDED.
- V. 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:
- VI. MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
- VII. WASHING HANDS THOROUGHLY INADEQUATE HAND WASHING AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE HANDS MAY HAVE

BECOME SOILED OR  
CONTAMINATED;

VIII. 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.

5. A SECURE TRANSPORTER  
LICENSEE AND EACH  
STAKEHOLDER SHALL NOT HAVE  
AN INTEREST IN A GROWING,  
PROCESSOR, PROVISIONING, OR  
SAFETY COMPLIANCE FACILITY  
AND SHALL NOT BE A REGISTERED  
QUALIFYING PATIENT OR A  
REGISTERED PRIMARY  
CAREGIVER.

6. 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.

7. A SECURE TRANSPORTER SHALL  
COMPLY WITH ALL OF THE  
FOLLOWING:

- I. EACH DRIVER TRANSPORTING  
MARIHUANA MUST HAVE A  
CHAUFFEUR'S LICENSE ISSUED  
BY THE STATE;
- II. 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;

III. 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;

IV. 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;

V. THE MARIHUANA SHALL BE  
TRANSPORTED BY ONE OR  
MORE SEALED CONTAINERS  
AND NOT BE ACCESSIBLE  
WHILE IN TRANSIT;

VI. A SECURE TRANSPORTING  
VEHICLE SHALL NOT BEAR  
MARKINGS OR OTHER  
INDICATION THAT IT IS  
CARRYING MARIHUANA OR A  
MARIHUANA INFUSED  
PRODUCT.

8. 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.

**§50-80.13. MINIMUM OPERATING STANDARDS OF COMMERCIAL MARIHUANA SAFETY COMPLIANCE FACILITY**

A. THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE FACILITIES SHALL APPLY

1. THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT OR APPLICABLE STATE LAWS, THE MRTMA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;
2. CONSUMPTION AND/OR USE OF MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;
3. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, 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 MARIHUANA FACILITIES;
- II. 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, 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;

III. TO INSPECT THE PERSON, AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;

IV. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS.

4. ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE WHICH COMPLIES WITH THE MMMA, THE MRTMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT OR APPLICABLE STATE LAWS;

5. ALL MARIHUANA SHALL BE CONTAINED WITHIN THE BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, AS AMENDED, THE MRTMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT OR APPLICABLE STATE LAWS;

6. THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MARIHUANA;

7. ALL PERSONS WORKING IN DIRECT CONTACT WITH MARIHUANA SHALL CONFORM TO

HYGIENIC PRACTICES WHILE ON DUTY;

8. 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;

9. FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND IN GOOD REPAIR;

10. ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;

11. MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

12. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE



MRTMA, OR APPLICABLE STATE LAWS IS LIKELY TO BE FOUND AND CONSISTENT WITH CONSTITUTIONAL LIMITATIONS, FOR THE FOLLOWING PURPOSES:

MARIHUANA FACILITIES LICENSING ACT, THE MRTMA, OR APPLICABLE STATE LAWS.

**§50-80.14. MINIMUM OPERATING STANDARDS OF MARIHUANA MICROBUSINESSES**

- I. TO INSPECT AND EXAMINE ALL PREMISES OF MARIHUANA FACILITY.
  - 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, 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.
  - III. TO INSPECT THE PERSON, AND INSPECT OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY.
  - IV. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA AND MEDICAL
- A. THE FOLLOWING MINIMUM STANDARDS FOR MICROBUSINESSES SHALL APPLY:
    1. OPERATING HOURS FOR RETAIL CUSTOMERS SHALL LIMITED TO BETWEEN 8:00 A.M. AND 9:00 P.M. MONDAY THROUGH SATURDAY AND 12:00 NOON AND 6:00 P.M. SUNDAY;
    2. A MICROBUSINESS SHALL NOT BE CO-LOCATED ON THE SAME PARCEL WITH ANOTHER GROUP "E" OR GROUP "F" ADDITIONALLY REGULATED USE;
    3. CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES OF A MICROBUSINESS, AND A SIGN SHALL BE POSTED ON THE PREMISES OF EACH MICROBUSINESS INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;
    4. MICROBUSINESSES SHALL CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS;
    5. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, PUBLIC OR COMMON AREAS OF

- THE MICROBUSINESS MUST BE SEPARATED FROM RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER OR RETAILER BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN AREA ACCESSIBLE TO THE GENERAL PUBLIC;
6. ALL MARIHUANA STORAGE, GROW AND/OR PROCESSING AREAS WITHIN THE MICROBUSINESS MUST BE SEPARATED FROM ANY CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAW, NO MARIHUANA IS PERMITTED TO BE STORED IN AN AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED CUSTOMERS/PATIENTS. MARIHUANA MAY BE DISPLAYED IN A SALES AREA ONLY IF PERMITTED BY THE MMMA, THE MRTMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT;
7. ANY USABLE MARIHUANA REMAINING ON THE PREMISES OF A MICROBUSINESS WHILE THE MICROBUSINESS IS NOT IN OPERATION SHALL BE SECURED IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;
8. DRIVE-THROUGH WINDOW(S) ON THE PREMISES OF A MICROBUSINESS SHALL NOT BE PERMITTED;
9. MICROBUSINESS SHALL NOT ALLOW THE SALE, CONSUMPTION, OR USE OF ALCOHOL OR TOBACCO PRODUCTS ON THE PREMISES;
10. NO MICROBUSINESS 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 MICROBUSINESS IS OPERATED;
11. THE LICENSE REQUIRED BY THIS ORDINANCE SHALL BE PROMINENTLY DISPLAYED ON THE PREMISES OF A MICROBUSINESS;
12. THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, 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 NONCOMPLIANCE WITH THE MMMA THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 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 MARIHUANA  
FACILITY;
- 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,  
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;
- III. TO INSPECT THE PERSON,  
AND INSPECT OR  
EXAMINE PERSONAL  
EFFECTS PRESENT IN A  
MARIHUANA FACILITY,  
OF ANY HOLDER OF  
STATE OPERATING  
LICENSE WHILE THAT  
PERSON IS PRESENT IN A  
MARIHUANA FACILITY;

IV. TO INVESTIGATE  
ALLEGED VIOLATIONS OF  
THE MMMA, THE  
MEDICAL MARIHUANA  
FACILITIES LICENSING  
ACT, THE MRTMA OR  
APPLICABLE STATE  
LAWS.

13. THE MICROBUSINESS SHALL  
COMPLY AT ALL TIMES AND IN  
ALL CIRCUMSTANCES WITH THE  
MICHIGAN MEDICAL  
MARIHUANA ACT, THE MEDICAL  
MARIHUANA FACILITIES  
LICENSING ACT, THE MRTMA,  
AND THE GENERAL RULES OF  
THE DEPARTMENT OF LICENSING  
AND REGULATORY AFFAIRS, AS  
THEY MAY BE AMENDED FROM  
TIME TO TIME;
14. ANY MICROBUSINESS 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  
MMMA AND MEDICAL  
MARIHUANA FACILITIES  
LICENSING ACT;
15. 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  
MICROBUSINESSES' GROWING  
OR HARVESTING OF  
MARIHUANA ARE LOCATED;
16. THAT PORTION OF THE  
STRUCTURE STORING ANY  
CHEMICALS SUCH AS  
HERBICIDES, PESTICIDES, AND

FERTILIZERS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF FLINT FIRE DEPARTMENT TO ENSURE COMPLIANCE WITH ALL APPLICABLE STATUTES, CODES AND ORDINANCES;

17. ALL PERSONS WORKING IN DIRECT CONTACT WITH MARIHUANA 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. 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.

18. 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 MARIJUANA IS EXPOSED.

19. FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND IN GOOD REPAIR;

20. THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION AGAINST THE ENTRY OR 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;

21. ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;

22. EACH MICROBUSINESS FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

23. MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

24. MICROBUSINESSES SHALL BE FREE FROM INFESTATION BY

INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

25. ALL GROWING, PROCESSING AND RETAIL ACTIVITY RELATED TO THE MICROBUSINESS SHALL

**§50-80.15. LOCATION OF GROUP "E" ADDITIONALLY REGULATED USES**

1. GROUP "E" ADDITIONALLY REGULATED USES SHALL BE LIMITED TO THE DE: DOWNTOWN EDGE, CC: CITY CORRIDOR, CE: COMMERCE AND EMPLOYMENT, AND PC: PRODUCTION CENTER, AND GI-2: GREEN INNOVATION ZONING DISTRICTS.

2. GROUP "E" ADDITIONALLY REGULATED USES. AN APPLICATION TO ESTABLISH A GROUP "E" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THERE IS ALREADY IN EXISTENCE FOUR OR MORE GROUP "A" OR GROUP "E" ADDITIONALLY REGULATED USES WITHIN 2,000 FEET OF THE BOUNDARIES OF THE SITE OF THE PROPOSED REGULATED USE.

3. GROUP "E" ADDITIONALLY REGULATED USE. AN APPLICATION TO ESTABLISH A GROUP "E" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF A PRE-K THROUGH 12 SCHOOL, LICENSED HOME-BASED DAYCARE CENTERS, YOUTH CENTER, SUBSTANCE ABUSE DISORDER CENTER OR SUBSTANCE ABUSE REHABILITATION CENTER LICENSED BY THE STATE OR WITHIN 500 FEET FROM A DEDICATED PUBLIC PARK (EXCEPT FOR THE TRAIL, KNOWN AS THE

FLINT RIVER TRAIL/IRON BELLE TRAIL, ITSELF, WHERE THE PRINCIPAL USE OF THE PARK SPACE IS FOR THE FLINT RIVER TRAIL) OR PLACE OF WORSHIP; OR IF THE PROPOSED LOCATION IS WITHIN 300 FEET OF A RESIDENTIAL PROPERTY OR RESIDENTIALLY ZONED DISTRICT, UNLESS OTHERWISE EXEMPTED BY CITY CODE.

4. MEDICAL RESEARCH FACILITY EXEMPTION -A MEDICAL RESEARCH FACILITY IS BOUND BY THE LOCATIONAL STANDARDS FOR ITS PROPOSED MEDICAL MARIHUANA-RELATED USES, INCLUDING THOSE SET FORTH FOR GROUPS "E," "F" OR "G," EXCEPT THAT THE 300 FOOT RESIDENTIAL ZONE EXCLUSION DOES NOT APPLY. SUCH MEDICAL RESEARCH FACILITIES MUST STILL BE 1,000 FEET FROM PRE-K THROUGH 12 SCHOOLS, AND 500 FEET FROM PLACES OF WORSHIP AND DEDICATED PUBLIC PARKS.

**§50-80.16. LOCATION OF GROUP "F" ADDITIONALLY REGULATED USES**

1. GROUP "F" ADDITIONALLY REGULATED USES SHALL BE LIMITED TO THE CE: COMMERCE AND EMPLOYMENT, PC: PRODUCTION CENTER, AND GI-2 GREEN INNOVATION ZONING DISTRICTS. FOR ADDITIONALLY REGULATED USES THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE SAME FACILITY.

2. GROUP "F" ADDITIONALLY REGULATED USE. AN APPLICATION TO ESTABLISH A GROUP "F" ADDITIONALLY

REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF A PRE-K THROUGH 12 SCHOOL, LICENSED HOME-BASED DAYCARE CENTERS, YOUTH CENTER, SUBSTANCE ABUSE DISORDER CENTER OR SUBSTANCE ABUSE REHABILITATION CENTER LICENSED BY THE STATE OR WITHIN 500 FEET FROM A DEDICATED PUBLIC PARK (EXCEPT FOR THE TRAIL, KNOWN AS THE FLINT RIVER TRAIL/IRON BELLE TRAIL, ITSELF, WHERE THE PRINCIPAL USE OF THE PARK SPACE IS FOR THE FLINT RIVER TRAIL), OR PLACE OF WORSHIP; OR IF THE PROPOSED LOCATION IS WITHIN 300 FEET OF A RESIDENTIAL PROPERTY OR RESIDENTIALLY ZONED DISTRICT, UNLESS OTHERWISE EXEMPTED BY CITY CODE.

3. MEDICAL RESEARCH FACILITY EXEMPTION -A MEDICAL RESEARCH FACILITY IS BOUND BY THE LOCATIONAL STANDARDS FOR ITS PROPOSED MEDICAL MARIHUANA-RELATED USES, INCLUDING THOSE SET FORTH FOR GROUPS "E," "F" OR "G," EXCEPT THAT THE 300 FOOT RESIDENTIAL ZONE EXCLUSION DOES NOT APPLY. SUCH MEDICAL RESEARCH FACILITIES MUST STILL BE 1,000 FEET FROM PRE-K THROUGH 12 SCHOOLS, AND 500 FEET FROM PLACES OF WORSHIP AND DEDICATED PUBLIC PARKS.

#### **§50-80.17. LOCATION OF GROUP "G" ADDITIONALLY REGULATED USES**

A. GROUP "G" ADDITIONALLY REGULATED USES SHALL BE LIMITED TO THE NC: NEIGHBORHOOD CENTER, DC: DOWNTOWN CORE, DE: DOWNTOWN EDGE, CC: CITY CORRIDOR, CE: COMMERCE AND EMPLOYMENT, PC PRODUCTION CENTER, AND GI-2 GREEN INNOVATION ZONING DISTRICTS.

- B. GROUP "G" ADDITIONALLY REGULATED USE. AN APPLICATION TO ESTABLISH A GROUP "G" ADDITIONALLY REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF A PRE-K THROUGH 12 SCHOOL, LICENSED HOME-BASED DAYCARE CENTERS, YOUTH CENTER, SUBSTANCE ABUSE DISORDER CENTER OR SUBSTANCE ABUSE REHABILITATION CENTER LICENSED BY THE STATE OR WITHIN 500 FEET FROM A DEDICATED PUBLIC PARK (EXCEPT FOR THE TRAIL, KNOWN AS THE FLINT RIVER TRAIL/IRON BELLE TRAIL, ITSELF, WHERE THE PRINCIPAL USE OF THE PARK SPACE IS FOR THE FLINT RIVER TRAIL) OR PLACE OF WORSHIP; OR IF THE PROPOSED LOCATION IS WITHIN 300 FEET OF A RESIDENTIAL PROPERTY OR RESIDENTIALLY ZONED DISTRICT, UNLESS OTHERWISE EXEMPTED BY CITY CODE.

#### **§50-80.18. DENIAL AND REVOCATION**

- A. A LICENSE ISSUED UNDER THIS ORDINANCE MAY BE REVOKED AFTER AN ADMINISTRATIVE HEARING AT WHICH THE PLANNING COMMISSION BY MAJORITY VOTE OF 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 OR RELEASE FROM INCARCERATION FOR A FELONY UNDER THE LAWS OF THIS STATE, ANY OTHER STATE, OR THE UNITED STATES WITHIN THE PAST FIVE (5) YEARS BY THE APPLICANT OR ANY STAKEHOLDER OF THE APPLICANT AS MEASURED FROM THE DATE OF THE APPLICATION OR THE DATE OF BECOMING A STAKEHOLDER, WHICHEVER OCCURS LATER, OR WHILE LICENSED UNDER THIS ORDINANCE; OR ANY CONVICTION OF A SUBSTANCE-RELATED FELONY BY THE APPLICANT OR ANY STAKEHOLDER OF THE APPLICANT EVER OR WHILE LICENSED UNDER THIS ORDINANCE;
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 MEDICAL MARIHUANA PROGRAM, THE MMFLA, AND/OR THE MRTMA, IN THE STATE OF MICHIGAN;

5. THE MARIHUANA FACILITY IS DETERMINED BY THE CITY OF FLINT TO HAVE BECOME A PUBLIC NUISANCE;

6. THE MICHIGAN CANNABIS REGULATORY AGENCY HAS DENIED, REVOKED OR SUSPENDED THE APPLICANT'S STATE LICENSE.

C. ANY ADDITIONALLY REGULATED USE THAT CEASES FOR MORE THAN 30 DAYS SHALL NOT BE RESUMED EXCEPT BY APPLICATION AND APPROVAL PURSUANT TO CHAPTER 17, UNLESS THE HIATUS IS CAUSED BY A TEMPORARY REVOCATION OR SUSPENSE OF THE LICENSE AND IS PENDING A PLANNING COMMISSION HEARING.

§50-80.19. RESIDENT-INITIATED HEARINGS; PENALTIES; TEMPORARY SUSPENSION OF A LICENSE; SEIZURE AND FORFEITURE

A. A PERSON, WHO LIVES, WORKS, AND/OR REGULARLY VISITS A NEIGHBORHOOD IN WHICH A MARIJUANA FACILITY IS LOCATED, MAY MAKE A FORMAL COMPLAINT TO THE ZONING COORDINATOR OR HIS/HER DESIGNEE REGARDING ANY NUISANCE(S) OR VIOLATIONS OF CITY CODE BY THE FACILITY, INCLUDING BY NOT LIMITED TO NUISANCES CAUSED BY ITS CUSTOMERS OR ITS EMPLOYEES, WHICH SHALL TRIGGER

A CASE REVIEW AT THE NEXT AVAILABLE PLANNING COMMISSION MEETING.

1. THE COMPLAINANT AND THE LICENSEE, AS RESPONDENT FOR THE MARIJUANA FACILITY, SHALL BE NOTIFIED OF THE DATE AND TIME OF THE CASE REVIEW.
  2. THE COMPLAINANT, THE RESPONDENT LICENSEE, AND ANY MEMBER(S) OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION TO ADDRESS THE ALLEGATIONS AND THE ISSUES GIVING RISE THERETO.
  3. IF THIS CASE REVIEW PROCESS DOES NOT ADDRESS AND CORRECT THE ISSUE(S) GIVING RISE TO THE COMPLAINT(S), AFTER SUFFICIENT TIME FOR THE RESPONDENT TO INITIATE CORRECTIVE ACTION(S), THE CITY SHALL INVESTIGATE FOR VIOLATION(S) OF THIS ORDINANCE AND THE CITY CODE AND, IF VIOLATION(S) ARE SUBSTANTIATED, INITIATE LICENSE SUSPENSION AND REVOCATION.
- B. THE CITY OF FLINT MAY REQUIRE AN APPLICANT OR HOLDER OF LICENSE OF A MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR ALLEGED VIOLATION OF THIS ORDINANCE. FAILURE TO PROVIDE THE REQUIRED MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL, LICENSE REVOCATION, OR LICENSE SUSPENSION;
- C. ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS ORDINANCE OR ANY PROVISION OF A LICENSE ISSUED

UNDER THIS ORDINANCE IS RESPONSIBLE FOR A MISDEMEANOR, PUNISHABLE BY FINE OF UP TO \$500.00 PER VIOLATION PLUS COST OF PROSECUTION, 90 DAYS IMPRISONMENT, OR BOTH, FOR EACH VIOLATION. EACH PLANT POSSESSED BY ANY PERSON IN EXCESS OF THE LICENSED QUANTITY OF PLANTS PERMITTED SHALL BE A SEPARATE VIOLATION OF THIS ORDINANCE; AND AS SUCH EACH PLANT IN EXCESS OF THE LICENSED QUANTITY MAY BE IMMEDIATELY CONFISCATED FOR DESTRUCTION. ANY PERSON IN VIOLATION OF THIS ORDINANCE IS ALSO SUBJECT TO LICENSE REVOCATION. IMMEDIATE, TEMPORARY REVOCATION OR SUSPENSION OF THE ADDITIONALLY REGULATED USE LICENSE MAY BE ISSUED BY THE CITY'S ZONING COORDINATOR, DIRECTOR OF PLANNING & DEVELOPMENT, OR THEIR DESIGNEE. THIS TEMPORARY SUSPENSION OR REVOCATION WILL NOT BE RESCINDED UNTIL THE FLINT PLANNING COMMISSION HOLDS A HEARING WITH THE APPLICANT TO DISCUSS THE VIOLATIONS AND VOTES ON WHETHER TO UPHOLD THE SUSPENSION OR REVOCATION. THIS SECTION IS NOT INTENDED TO PREVENT ENFORCEMENT OF ANY PROVISION OF THE STATE LAW BY THE CITY OF FLINT POLICE DEPARTMENT;

- D. ALL FINES IMPOSED UNDER THIS ORDINANCE SHALL BE PAID WITHIN FORTY-FIVE (45) DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS OTHERWISE SPECIFIED IN THE ORDER;
- E. TWO OR MORE VIOLATIONS OF THIS ORDINANCE WITHIN A SIX (6) MONTH PERIOD BY ANY INDIVIDUAL



OFFENDER SHALL BE CONSIDERED A PUBLIC NUISANCE, AND IN THE INTEREST OF SUCH NUISANCE ABATEMENT, MAY RESULT IN THE SEIZURE AND DESTRUCTION OF THE MARIHUANA PLANTS, AND/OR MARIHUANA PRODUCT(S), AND FORFEITURE OF OTHER RELATED ASSETS, IN ORDER TO DETER AND PREVENT SUCH NUISANCES AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITY OF FLINT.

F. THE PLANNING COMMISSION MAY TEMPORARILY SUSPEND A MARIHUANA FACILITY LICENSE WITHOUT A HEARING IF IT FINDS THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION. THE PLANNING COMMISSION 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;

G. IF THE PLANNING COMMISSION TEMPORARILY SUSPENDS A LICENSE WITHOUT A HEARING, THE HOLDER OF 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;

H. IF THE PLANNING COMMISSION 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.

**§50-80.20. LAWFUL NON-CONFORMING AND GRANDFATHERED LOCATIONS**

A. ANY PROVISIONING CENTER APPLICANT GRANTED GROUP "E" ADDITIONALLY REGULATED USE APPROVAL UNDER THE PREVIOUS CITY OF FLINT MEDICAL MARIHUANA PROVISIONING CENTER ORDINANCE (50-161; & 12-XVI), PRIOR TO THE ADOPTION DATE OF THIS ORDINANCE ON (INSERT DATE OF ADOPTION) AND ADDITIONALLY, HAS UNDERGONE AND SUCCESSFULLY FULFILLED THE REQUIRED "ANNUAL RE-LICENSING PROCESS", AND HAVING BEEN GRANTED A 2017-2018 ADDITIONALLY REGULATED USE GROUP "E" LICENSE, WILL RETAIN LEGAL NON-CONFORMING RIGHTS.

B. ANY PREVIOUSLY LICENSED MEDICAL MARIHUANA CULTIVATION OR GROWING FACILITY WHO RECEIVED AN ADDITIONALLY REGULATED USE GROUP "E" PERMIT FROM THE FLINT PLANNING COMMISSION, WILL NOT BE ELIGIBLE TO GAIN GRANDFATHERED STATUS AND WILL NOT BE TREATED AS A LAWFUL, NON-CONFORMING LAND USE. FACILITIES AND APPLICANTS WHO HAVE PREVIOUSLY BEEN ISSUED A GROUP "E" ADDITIONALLY REGULATED USE FOR CULTIVATION OR GROWING OF MEDICAL MARIHUANA ARE REQUIRED TO RESUBMIT APPLICATIONS TO THE FLINT PLANNING COMMISSION TO OBTAIN A GROUP "F" COMMERCIAL MEDICAL MARIHUANA GROWING CENTER PERMIT AND MUST ADHERE TO THE MINIMUM OPERATING STANDARDS AND THE ANY LOCATION OF A GROWING CENTER MUST ADHERE TO THE STANDARDS ESTABLISHED IN SECTION 50-80.16, "LOCATION OF A GROUP "F" ADDITIONALLY REGULATED USE.

C. AN APPLICANT FOR AN ADDITIONAL LICENSE AT A LOCATION THAT IS A

LAWFUL NON-CONFORMING USE, WHOSE LOCATION DOES NOT MEET THE LOCATIONAL REQUIREMENTS OF DISTANCES FROM RESIDENTIALLY-ZONED PROPERTY, SCHOOLS, LICENSED HOME-BASED DAYCARE CENTERS, YOUTH CENTER, SUBSTANCE ABUSE DISORDER CENTER OR SUBSTANCE ABUSE REHABILITATION CENTER LICENSED BY THE STATE, PARKS OR PLACES OF WORSHIP, AND/OR DOES NOT MEET THE ZONING CLASSIFICATION REQUIRED UNDER THIS ORDINANCE, IS INELIGIBLE FOR ADMINISTRATIVE APPROVAL DESCRIBED IN SECTION 50-80.07 AND MUST UNDERGO A PUBLIC HEARING BEFORE THE PLANNING COMMISSION PRIOR TO RECEIVING ANY ADDITIONAL LICENSE(S).

**§50-80.21. TRANSFER OF MARIHUANA FACILITY LICENSES; PROCESS**

A. ADDITIONALLY REGULATED USE PERMITS ARE ISSUED TO THE APPLICANT, AND NOT TO THE LOCATION. ANY CHANGES TO THE ADDITIONALLY REGULATED USE PERMIT, INCLUDING A CHANGE IN OWNERSHIP, REQUIRES APPROVAL BY CITY, AS OUTLINED BELOW.

I. IF THE ORIGINAL APPLICANT RETAINS PARTIAL OWNERSHIP, WITH NO MODIFICATION TO PREVIOUSLY APPROVED SITE PLANS OR FLOOR PLANS, PENDING SUCCESSFUL COMPLETION OF A BACKGROUND CHECK FOR ANY NEW OWNER(S), THE NEW OWNER(S) WOULD BE ADMINISTRATIVELY ADDED TO THE ADDITIONALLY REGULATED USE PERMIT BY THE CITY'S ZONING COORDINATOR UPON PAYMENT OF A NONREFUNDABLE

ADDITIONALLY REGULATED USE PERMIT APPLICATION FEE AND POLICE BACKGROUND CHECK FEES IN ACCORDANCE WITH THE MASTER FEE SCHEDULE.

II. IF OWNERSHIP WILL BE TRANSFERRED ENTIRELY FROM THE ORIGINAL APPLICANT TO A NEW INDIVIDUAL, PARTNERSHIP OR OTHER CORPORATE ENTITY, BUT WITH NO MODIFICATION TO PREVIOUSLY APPROVED SITE PLANS OR FLOOR PLANS, THE TRANSFER REQUIRES PAYMENT OF A NONREFUNDABLE ADDITIONALLY REGULATED USE PERMIT APPLICATION FEE, COMPLETION OF A BACKGROUND CHECK FOR ANY NEW OWNER(S) AND POLICE BACKGROUND CHECK FEES IN ACCORDANCE WITH THE MASTER FEE SCHEDULE, AND PUBLIC HEARING BEFORE THE PLANNING COMMISSION FOR APPROVAL OF THE TRANSFER OF THE APPLICABLE ADDITIONALLY REGULATED USE PERMIT(S).

III. IF THERE IS ANY TRANSFER, FULL OR PARTIAL, OF OWNERSHIP THAT ACCOMPANIES MODIFICATION OF PREVIOUSLY APPROVED SITE PLANS OR FLOOR PLANS, THE APPLICATION WILL BE TREATED AS A NEW SPECIAL USE PERMIT APPLICATION INCLUDING ALL APPLICABLE SITE PLAN REVIEWS, APPROVALS AND PUBLIC HEARING.

IV. ANY CHANGE IN LOCATION OF AN ADDITIONALLY REGULATED

USE, WITH OR WITHOUT A TRANSFER OF LEGAL OWNERSHIP, SHALL BE TREATED AS A NEW APPLICATION. THAT APPLICATION MAY BE REVIEWED BY THE PLANNING COMMISSION AT THE NEXT AVAILABLE PUBLIC HEARING DATE FOLLOWING THE SUBMISSION OF ALL NECESSARY DOCUMENTS, AND IS NOT REQUIRED TO AWAIT THE EXHAUSTION OF THE EXISTING LIST OF PROVISIONING CENTER AND/OR RETAIL ESTABLISHMENT LOCATIONS, TO THE EXTENT SUCH A LIST EXISTS AND APPLIES.

#### **§50-80.22. GROUP “E”, “F” AND “G” LICENSE LOCATION APPEALS PROCESS**

A. THE MARIHUANA FACILITIES LICENSING ANALYSIS “MAPS”, DEVELOPED AND ADMINISTERED BY THE PLANNING & ZONING DIVISION, SYMBOLIZES A SPATIAL ANALYSIS PERFORMED UTILIZING THE CRITERIA LISTED IN SECTION 50-80.15, (LOCATION OF GROUP “E” ADDITIONALLY REGULATED USES) AND IN SECTION 50-80.16, AND 50-80.17 (LOCATION OF GROUP “F” AND “G” ADDITIONALLY REGULATED USES, RESPECTIVELY). ANY POTENTIAL LOCATION OF A GROUP “E”, “F” OR “G” MARIHUANA FACILITIES LICENSE IS APPEALABLE TO THE FLINT PLANNING COMMISSION. A \$5,000, NON-REFUNDABLE APPEALS FEE IS REQUIRED UPON SUBMITTING AN APPLICATION FOR A LOCATION APPEAL. AN APPLICANT SUBMITTING AN APPEAL MUST CLEARLY DEMONSTRATE AN “UNDUE HARDSHIP” AND “PROVE THAT

SPECIAL AND UNUSUAL CONDITIONS PERTAINING TO THE SPECIFIC PIECE OF PROPERTY ARE WARRANTED” FOR A VARIANCE TO BE GRANTED.

1. NO SUCH VARIANCE SHALL BE AUTHORIZED BY THE PLANNING COMMISSION UNLESS THE COMMISSION FINDS THAT ALL OF THE FOLLOWING FACTS AND CONDITIONS EXIST:

I. THE PROPOSED USE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA.

II. THE PROBLEM WAS NOT A SELF-CREATED HARDSHIP.

III. THE USE WILL BE COMPATIBLE WITH ADJACENT USES OF LAND.

IV. THE PLIGHT IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO THE PROPERTY AND NOT TO GENERAL NEIGHBORHOOD CONDITIONS.

V. ISSUANCE OF THE VARIANCE WOULD STILL ENSURE THAT THE SPIRIT OF THE ORDINANCE IS INTACT.

#### **§50-80.23. COMMUNITY BENEFIT LOCATIONAL EXEMPTIONS**

A. SOCIAL EQUITY PROGRAM EXEMPTION - APPLICANTS WHO APPLY FOR A GROUP “G” ADDITIONALLY REGULATED USE, I.E. A MICROBUSINESS LICENSE, OR WHO APPLY FOR A GROUP “F” ADDITIONALLY REGULATED USE STRICTLY FOR A CLASS “A” GROW FACILITY, MAY BE ELIGIBLE FOR AN EXCEPTION FROM THE 300 RESIDENTIAL DISTANCE REQUIREMENT, WITHOUT THE NEED FOR A LOCATION VARIANCE,

PROVIDED THAT THEY MEET THE FOLLOWING CRITERIA:

1. THE APPLICANT, EITHER AS AN INDIVIDUAL OR ALL OF THE MEMBERS OF A PARTNERSHIP OR OTHER CORPORATE ENTITY APPLICANT, IS A RESIDENT OF THE CITY OF FLINT; AND

2. THE APPLICANT, EITHER AS AN INDIVIDUAL OR ALL OF THE MEMBERS OF A PARTNERSHIP OR OTHER CORPORATE ENTITY APPLICANT, IS PRE-APPROVED IN THE STATE OF MICHIGAN'S SOCIAL EQUITY PROGRAM; AND

3. THE APPLICATION IN QUESTION IS FOR A PARCEL ZONED NC: NEIGHBORHOOD CENTER, DC: DOWNTOWN CORE, DE: DOWNTOWN EDGE FOR A MICROBUSINESSES, OR ZONED CE: COMMERCE AND EMPLOYMENT FOR A CLASS A GROW FACILITY; AND

I. THE APPLICANT MUST BE ABLE TO DEMONSTRATE THAT THEIR PROPOSED FACILITY WILL DEMONSTRABLY BE AN ASSET TO THE NEIGHBORHOOD, AND AS CONSTRUCTED AND OPERATED BY THE APPLICANT WILL NOT HAVE ANY, OR MINIMAL, NEGATIVE SECONDARY EFFECTS ON THE NEIGHBORHOOD. NEGATIVE SECONDARY EFFECTS CAN INCLUDE THE FOLLOWING IMPACTS:

II. VEHICULAR AND PEDESTRIAN TRAFFIC;

III. NOISE, ODORS, OR LIGHTS THAT EMANATE BEYOND THE SITE'S BOUNDARIES ONTO PROPERTY

IN THE AREA ON WHICH THERE ARE RESIDENTIAL DWELLINGS;

IV. EXCESSIVE NUMBERS OF PERSONS GATHERING OUTSIDE THE ESTABLISHMENT;

V. PEAK HOURS OF USE THAT ADD TO CONGESTION OR OTHER NEGATIVE EFFECTS IN THE NEIGHBORHOOD.

4. THE APPLICATION FOR AN APPLICABLE PARCEL WOULD REMAIN SUBJECT TO THE OTHER LOCATIONAL CRITERIA, NOTWITHSTANDING THE EXCEPTION OUTLINED ABOVE. AN APPLICANT WHO ELECTS NOT TO PARTICIPATE IN THIS VOLUNTARY EXEMPTION PLAN PROCESS MAY ALTERNATIVELY SEEK A LOCATIONAL VARIANCE BEFORE THE PLANNING COMMISSION.

5. BLIGHT ELIMINATION PLAN EXEMPTION - APPLICANTS WHO APPLY FOR A GROUP "E," GROUP "F," AND/OR GROUP "G" ADDITIONALLY REGULATED USE PERMIT, FOR A PARCEL WITHIN 300 FEET OF RESIDENTIALLY ZONED PARCEL(S), MAY APPLY FOR A BLIGHT ELIMINATION PLAN EXEMPTION, TO ALLOW THE APPLICANT TO RECEIVE THE RESPECTIVE SRU(S) WITHOUT A VARIANCE, PROVIDED THAT THEY MEET THE FOLLOWING CRITERIA:

I. THE APPLICANT MUST MEET WITH THE CITY OF FLINT BLIGHT ELIMINATION DIVISION TO DISCUSS BLIGHT ISSUES WITHIN NEIGHBORHOOD OF THE PARCEL SUBJECT TO THE SRU APPLICATION; AND

- II. THE APPLICANT MUST MEET WITH MEMBERS SURROUNDING NEIGHBORHOOD, AND THE SURROUNDING NEIGHBORHOOD ASSOCIATION (IN THE EVENT THAT ONE EXISTS), TO DISCUSS BLIGHT ISSUES WITHIN THE AREA; AND
  - III. THE APPLICANT MUST MEET WITH THE SURROUNDING NEIGHBORHOOD AND THE SURROUNDING NEIGHBORHOOD ASSOCIATION (IN THE EVENT THAT ONE EXISTS) TO DISCUSS THEIR BUSINESS PLAN; AND
  - IV. THE APPLICANT THAT MUST PRESENT A PLAN TO ELEVATE BLIGHT ISSUES, SPECIFICALLY BUT NOT LIMITED TO ANY BLIGHT ISSUES WITHIN 300 FEET OF THE PARCEL SUBJECT TO THE SRU APPLICATION, TO THE FLINT PLANNING COMMISSION AT A PUBLIC HEARING; AND
    1. SUCH A PLAN MUST INCLUDE A CAPITAL INVESTMENT TO ADDRESS STRUCTURAL BLIGHT IN THE AREA IN THE FIRST YEAR OF THE APPLICANT'S BUSINESS OPERATION; AND
    2. SUCH A PLAN MUST ALSO INCLUDE A CAPITAL INVESTMENT TO ADDRESS NON-STRUCTURAL BLIGHT ANNUALLY FOR FIRST
- FIVE YEARS OF APPLICANT'S BUSINESS OPERATION; AND
- V. THE APPLICANT'S BLIGHT ELIMINATION PLAN MUST BE APPROVED BY THE PLANNING COMMISSION, AND MUST SUBSEQUENTLY BE PUT INTO EFFECT AND CONTINUED AS THE APPLICANT OPERATES WITH THEIR LICENSE(S) INTO THE FUTURE. FAILURE TO UPHOLD SUCH COMMITMENTS MAY BE GROUNDS FOR NON-RENEWAL OF LICENSE(S), AND/OR MAY BE SUBJECT TO THE LICENSE REVOCATION PROCESS OUTLINED IN THIS ORDINANCE.
  6. THE APPLICATION FOR AN APPLICABLE PARCEL WOULD REMAIN SUBJECT TO THE OTHER LOCATIONAL CRITERIA, NOTWITHSTANDING THE EXCEPTION OUTLINED ABOVE, HOWEVER THIS EXCEPTION MAY BE USED IN CONJUNCTION WITH THE PARK BEAUTIFICATION PLAN EXEMPTION OUTLINED BELOW. AN APPLICANT WHO ELECTS NOT TO PARTICIPATE IN THIS VOLUNTARY EXEMPTION PLAN PROCESS MAY ALTERNATIVELY SEEK A LOCATIONAL VARIANCE BEFORE THE PLANNING COMMISSION.
  7. PARK BEAUTIFICATION PLAN EXEMPTION - APPLICANTS WHO APPLY FOR A GROUP "E," GROUP "F," AND/OR GROUP "G" ADDITIONALLY REGULATED USE PERMIT, FOR A PARCEL WITHIN 500 FEET OF A DEDICATED PUBLIC

PARK, MAY APPLY FOR A PARK BEAUTIFICATION PLAN EXEMPTION, TO ALLOW THE APPLICANT TO RECEIVE THE RESPECTIVE SRU(S) WITHOUT A VARIANCE, PROVIDED THAT THEY MEET THE FOLLOWING CRITERIA:

- I. THE APPLICANT MUST MEET WITH THE CITY OF FLINT PLANNING & ZONING DIVISION TO DISCUSS POTENTIAL PARK IMPROVEMENTS FOR THE PARK NECESSITATING THE EXEMPTION; AND
- II. THE APPLICANT MUST MEET WITH MEMBERS SURROUNDING NEIGHBORHOOD, AND THE SURROUNDING NEIGHBORHOOD ASSOCIATION (IN THE EVENT THAT ONE EXISTS), TO DISCUSS POTENTIAL PARK IMPROVEMENTS FOR THE PARK NECESSITATING THE EXEMPTION; AND
- III. THE APPLICANT MUST MEET WITH THE APPLICABLE MEMBER(S) OF THE ADOPT A PARK PROGRAM, IN THE EVENT THAT ONE EXISTS FOR THE PARK NECESSITATING THE EXEMPTION, TO DISCUSS THE APPLICANT'S BUSINESS PLAN; AND
- IV. THE APPLICANT MUST PRESENT A PLAN TO BEAUTIFY THE PARK NECESSITATING THE EXEMPTION TO THE FLINT PLANNING COMMISSION AT A PUBLIC HEARING; AND

1. SUCH A PLAN MUST INCLUDE A CAPITAL INVESTMENT TO IMPROVE RECREATIONAL AMENITIES IN THE PARK IN THE APPLICANT'S FIRST YEAR OF BUSINESS OPERATION; AND
2. SUCH A PLAN MUST ALSO INCLUDE A CAPITAL INVESTMENT TO SUPPORT PARK MAINTENANCE WITHIN THE FIRST FIVE (5) YEARS OF THE APPLICANT'S BUSINESS OPERATION.

V. THE APPLICANT'S PARK BEAUTIFICATION PLAN MUST BE APPROVED BY THE PLANNING COMMISSION, AND MUST SUBSEQUENTLY BE PUT INTO EFFECT AND CONTINUED AS THE APPLICANT OPERATES WITH THEIR LICENSE(S) INTO THE FUTURE. FAILURE TO UPHOLD SUCH COMMITMENTS MAY BE GROUNDS FOR NON-RENEWAL OF LICENSE(S), AND/OR MAY BE SUBJECT TO THE LICENSE REVOCATION PROCESS OUTLINED IN THIS ORDINANCE.

8. THE APPLICATION FOR AN APPLICABLE PARCEL WOULD REMAIN SUBJECT TO THE OTHER LOCATIONAL CRITERIA, NOTWITHSTANDING THE EXCEPTION OUTLINED ABOVE,

HOWEVER THIS EXCEPTION MAY BE USED IN CONJUNCTION WITH THE BLIGHT ELIMINATION PLAN EXEMPTION LISTED ABOVE. AN APPLICANT WHO ELECTS NOT TO PARTICIPATE IN THIS VOLUNTARY EXEMPTION PLAN PROCESS MAY ALTERNATIVELY SEEK A LOCATIONAL VARIANCE BEFORE THE PLANNING COMMISSION.

9. ALL LICENSEES WHO RECEIVING A COMMUNITY BENEFIT LOCATIONAL EXEMPTION UNDER THIS SECTION SHALL APPEAR BEFORE THE PLANNING COMMISSION AS A CASE REVIEW UPON THE FIRST ANNUAL RELICENSING OF THEIR PERMIT(S).


Sec. 2. This ordinance shall become effective ON OCTOBER 29, 2022 OR IN CONJUNCTION WITH THE FLINT ZONING CODE.

Adopted this 10th day of October 2022, A.D.

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

  
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William Y. Kim, City Attorney