

200074

ORDINANCE NO. _____

An ordinance to amend the Code of the City of Flint by amending Chapter 50, Zoning, by amending Article XXXII, Medical Marihuana Facilities, §50-183.

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, Zoning, Article XXXII, Medical Marihuana Facilities, which shall read in their entirety as follows:

§50-183. MEDICAL MARIHUANA FACILITIES OPT IN ORDINANCE.

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 the maximum number of Medical Marihuana Licensed Facilities;~~ 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 Special 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), and 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 MARIJUANA REGULATORY AGENCY (MRA). If the standards set forth in this Ordinance are in conflict with the standards adopted by LARA / **THE MRA** than the standards from LARA / **THE MRA** shall apply.

A. Uses subject to these controls are as follows:

(1) Group "E" – Special Regulated Uses:

i. Medical Marihuana Provisioning Centers

ii. **RETAIL FACILITIES**

iii. **COMMERCIAL MARIHUANA SECURE TRANSPORT FACILITIES**

(2) Group "F"- Special Regulated Uses:

i. Commercial Medical Marihuana Growing Centers

ii. Commercial Medical Marihuana Processing Center

iii. **COMMERCIAL MARIHUANA SAFETY COMPLIANCE FACILITIES**

(3) Group "G" – Special Regulated Uses:

i. ~~Commercial~~ ~~Medical~~ ~~Marihuana~~ ~~Secure~~ ~~Transport~~ ~~Facility~~ **MICROBUSINESSES**

- ii. ~~Commercial~~—~~Medical~~
~~Marihuana~~—~~Safety~~
~~Compliance Facility~~

B. 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”), ~~or 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 Special 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 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 ~~or 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, ~~or 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” Special Regulated Uses:

1. **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.
2. **City** - the City of Flint, Michigan.
3. ~~Medical~~—**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 a Special Regulated Use by the City. This facility is used to cultivate, dry, and package ~~Medical~~ Marihuana in accordance with state law.
 - i. 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.

- ii. 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.**

- iii. A Growing Center shall provide only wholesale products for the use of other Medical Marijuana Provisioning Centers **OR RETAILERS.**

- 4. ~~Medical~~ Marijuana Processing Center - An entity that is licensed by the State of Michigan **FOR MEDICAL AND/OR ADULT-USE MARIJUANA** that acquires marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a Provisioning Center **OR RETAILER.**

- i. 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.

- ii. 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.**

- iii. A Processing Center shall provide only wholesale products for the use of other ~~Medical~~ Marijuana Provisioning Centers **OR RETAILERS.**

- 5. ~~Medical~~ Marijuana 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 ~~Medical~~ Marijuana and transports ~~Medical~~ Marijuana between ~~Medical~~ Marijuana Licensed Facilities for a fee.

- 6. ~~Medical~~ Marijuana Safety Compliance Facility - A commercial entity **LICENSED**

BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA that receives 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 ~~Medical~~ Marihuana Licensed Facility.

7. Enclosed, Locked Facility - A permanent building having a roof supported by columns or any other support used for the enclosure of persons, animals, chattels or property of any kind, or carrying on business activities or other uses. 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.
8. 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**.
9. 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.

10. License Application - The requirements and procedures set forth in this Ordinance to secure the subject license.
11. 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.**
12. 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.**
13. 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, and Secure Transporter, **AND MICROBUSINESS.**
14. 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

15. Marihuana plant - Any plant of the species Cannabis sativa L.

16. 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.

17. 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.

18. Michigan Medical Marihuana Act - The Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

19. **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.

20. Ordinance - This ordinance, Chapter 50 article xxxi, section 183.

21. 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, as determined by the City Assessor's Office.

22. Plant - Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

23. 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.

24. Residential Zoned District – The residential zoned districts are “A-1”, “A-2”, “B”, “B-1”, “C-1”, and “C-2”.

25. State - The State of Michigan.

26. 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:

- i. Class A - 500 marihuana plants.
- ii. Class B - 1,000 marihuana plants.
- iii. Class C - 1,500 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.

27. 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:

i. A grower.

ii. **AN EXCESS GROWER.**

iii. A processor.

iv. A secure transporter (facility).

v. A provisioning center.

vi. A safety compliance facility.

vii. **A RETAIL FACILITY.**

28. 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.

29. 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.

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

31. 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.

32. 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 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.

C. License Allocation and Annual Fees

1. 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.

2. ~~The City shall issue no more than the following for each license type:~~

i. ~~Medical — Marihuana Provisioning Centers: 20 Licenses~~

ii. ~~Commercial — Medical Marihuana — Growing Center: No Limit
* More than 1 State issued — Commercial Growing Center License can operate within 1 structure, to the extent permitted by the State of Michigan.~~

iii. ~~Commercial — Medical Marihuana — Processing Center: No Limit
* More than 1 State issued — Commercial Processing — Center License can operate within 1 structure, to the extent permitted by the State of Michigan.~~

iv. ~~Commercial — Medical Marihuana — Secure Transporter: 5 Licenses~~

~~Commercial Medical Marihuana Safety Compliance Facility: 5 Licenses —~~
THE CITY AFFIRMATIVELY OPTS OUT OF THE DESIGNATED CONSUMPTION ESTABLISHMENT LICENSE TYPE, AND SHALL NOT GRANT ANY SUCH LICENSE.

3. ~~The license quotas are permitted to the extent regulated by the MMLB rules and regulations and are subject to change based on any potential rulings made by the board. A LICENSEE FOR MEDICAL AND ADULT-USE MARIJUANA MUST MAINTAIN BOTH LICENSE TYPES WITH BOTH THE STATE AND THE CITY.~~

4. ~~Merit Review Process:~~

~~In order to seek the best candidates for medical marihuana facility licensure for the City of Flint, the City shall review and score and rank the applicants based upon their objective merits if the number of license applicants exceeds the number of licenses available.~~

a. ~~Application Window:~~

~~Following the effective date of this ordinance, there shall be an open application period of forty five (45) days during which the City shall collect applications for all Marihuana Facility licenses that are subject to a cap. In the event that more applications for licenses are submitted during this window than the number of licenses available, those applications would then be reviewed by staff.~~

b. ~~Blind Review:~~

~~Each application shall assigned an Application Number by the Zoning Coordinator, which shall be the sole means of identifying that application through the entirety of the review and scoring process. The Zoning~~

~~Coordinator shall not participate in the scoring process; and all individuals reviewing and scoring the applications shall only know the specifications of the applications and the application number not the identities of the applicants themselves.~~

~~e. Scoring Panel.~~

~~City staff shall review and score the applications. Assigned staff consisting of the designees of the heads of the city clerk's office, Legal, Planning and Zoning, Police, Fire, and Building and Safety Inspection Departments shall score the medical marihuana facility licenses, based upon a predetermined rubric of criteria.~~

~~d. Factors for Scoring.~~

~~The assigned City staff shall create a scoring rubric, outlining the factors and weight of criteria considered for the scoring of such applications, and shall provide the final rubric for modification and final approval by a majority of the City Council. The scoring criteria shall include factors such as the proposed number of employees who would be working at the site, whether and to what extent the application commits to local hiring for staff and/or subcontractors, the size of the proposed facility, the total capital investment, whether the applicant has a history of prior building/code violations and whether the applicant has already received pre-approval by~~

~~the State of Michigan for licensure.~~

~~e. Determination of Order.~~

THE CITY DOES NOT PLACE A NUMERICAL LIMIT ON MARIJUANA LICENSES. HOWEVER, IN RECOGNITION OF THE EFFORTS AND COMMITMENTS MADE BY THE MEDICAL MARIHUANA FACILITY APPLICANTS THROUGHOUT THE RUBRIC SCORING PROCESS, THE CITY SHALL EXHAUST THE LIST OF PROVISIONING CENTER APPLICATIONS, IN THE ORDER SET FORTH IN RESULT OF SAID SCORING, BY HEARINGS OF ALL SUCH APPLICATIONS BY THE CITY'S PLANNING COMMISSION, PRIOR TO NEW RETAIL FACILITY OR PROVISIONING CENTER APPLICATIONS BEING HEARD BY THE COMMISSION.

~~Once the applications are scored, individual applicants shall be notified of the order of their placement, and those within the cap may proceed through the license application process accordingly. Failure to complete the license application process within six (6) months shall result in the denial of the application, and the next best applicant shall be afforded the opportunity to apply. The resulting list of scores shall be~~

~~used as the order for any waiting list, in the event that (a) currently existing, grandfathered facilities do not pass the State of Michigan's licensure process, (b) other facilities close on their own accord, are closed by court or administrative order and/or have their licenses revoked, or (c) the City chooses to raise the license limit for that kind of facility at a future date.~~

5. The non-refundable application fee for a Medical Marihuana Facility license is \$1500 per license, and the annual fee for a Medical 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.

- i. The \$5000 annual license fee begins and commences at the time of receipt of the Applicant's Certificate of Occupancy by the City.

D. Operation Without License Prohibited

- (1) Every Medical Marihuana establishment in the City of Flint shall be licensed pursuant to the terms and provisions set forth in this chapter. No person shall operate a Medical Marihuana establishment in the City without first obtaining a license. A Medical 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.

E. License Application Submission

- (1) Application for any Group "E", "F", or "G" Medical 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.
- (2) An application for a Medical Marihuana Facility license required by this Ordinance shall contain the following:

- i. The appropriate non-refundable application fee is \$1500 per license, and the annual license fee for a Medical Marihuana Facility license shall be \$5000, less the initial payment of the application fee for the first year only.

- ii. 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;
- iii. 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;
- iv. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary and requested by the City;
- v. 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;
- vi. 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;

- vii. A signed release authorizing the City of Flint Police Department to perform a criminal background check 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;
- viii. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than the applicant;
- ix. 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;

- x. One of the following: (a) proof of ownership of the entire premises wherein the ~~Medical~~ 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;**
- xi. 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 ~~Medical~~ 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;

- xii. A security plan for the ~~Medical~~ 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 ~~Medical~~ Marihuana Facility must have a security guard present during business hours or alternative security procedures shall be proposed in the business plan;

1. Security cameras are required for any Group "E", "F" or "G" Special Regulated Use operation. For Group "E", "F", and "G" Special

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;

2. 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 ~~Medical~~ Marihuana establishment indicating the facility is part of Flint Project C.A.T.T. EYE.

- xiii. A floor plan of the ~~Medical~~ Marihuana

- Facility, as well as a scale diagram illustrating the property upon which the ~~Medical~~ Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible;
- xiv. 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;
 - xv. An affidavit that the transfer of Marihuana to and from ~~Medical~~ Marihuana Facilities shall be in compliance with the MMA and the Medical Marihuana Facilities Licensing Act **AND THE MRTMA** or other applicable state laws;
 - xvi. A staffing plan complete with an organizational chart listing all individuals that includes position descriptions and the names of each person holding each position;
 - xvii. Any proposed text or graphical materials to be shown on the exterior of the proposed ~~Medical~~ Marihuana Facility;
 - xviii. 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;
 - xix. A location area map of the ~~Medical~~ Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject ~~Medical~~ Marihuana Facility's building) to the subject ~~Medical~~ Marihuana Facility to the closest real property comprising a Pre-K-12 school; a place of worship; and any dedicated public park(s);
 - xx. 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;

- xxi. 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 is hazardous must be disposed of pursuant to Part 111 of 1994 PA 451, Hazardous Waste Management.
- xxii. 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;
- xxiii. A description of procedures for testing of contaminants, including mold and pesticides;
- xxiv. 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).

- xxv. As it relates to a Growing or a Processing Facility **OR AN EXCESS GROWER**, the following additional items shall be required:

- 1. 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;
- 2. A processing plan that includes at a minimum a description of the methods to be used;
- 3. 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;

4. 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;

5. 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;

6. All Growers, **EXCESS GROWERS** and Processors must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.

- (3) Upon receipt of a completed ~~Medical Marihuana Facility application meeting the requirements of this Ordinance and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to 2(C),~~ 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.

(4) 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 Medical Marihuana Facility application for compliance with the applicable state laws and City Ordinances.

(5) 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.

(6) 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.

F. License Evaluation; LIMITED ADMINISTRATIVE APPROVAL

(1) The Planning Commission shall assess all applications pursuant to its authority under the city

zoning code and the terms outlined herein.

- (2) 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.

- i. Gambling;
- ii. Prostitution;
- iii. Weapons;
- iv. Violence;
- v. Tax evasion;
- vi. Fraudulent activity; and
- vii. Serious moral turpitude.

- (3) 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.

- (4) 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.

- (5) 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.

- (6) 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.

- (7) 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.

- (8) IF AN APPLICANT WHO ALREADY HOLDS AN SRU UNDER THIS SECTION SEEKS A RELATED RECREATIONAL MARIJUANA 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 SPECIAL
REGULATED USE PERMIT,
BY THE CITY'S ZONING
COORDINATOR UPON
PAYMENT OF A
NONREFUNDABLE
SPECIAL REGULATED USE
PERMIT APPLICATION
FEE.**

**G. Minimum Operating Standards of
Medical Marihuana Provisioning
Centers AND RETAILERS**

The following minimum standards for
Provisioning Centers **AND RETAILERS** shall
apply

- (1)** Operating hours limited to
between 8:00 a.m. and 7:00 p.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" Special
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" Special
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)** Pursuant to Section E., 2., xii., 1.
& 2., 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;
- (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, and **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 ~~Medical—Marihuana Licensing—Board~~ **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 **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 ~~Medical~~ 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 ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ Marihuana Facility;
- iv. To investigate alleged violations of the MMMA, and **THE** Medical Marihuana Facilities Licensing Act, **THE MRTMA** or applicable state laws.

H. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Growing Centers, **INCLUDING EXCESS GROWERS**

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) Pursuant to Section E., 2., xii., 1. & 2., 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 insure compliance with all applicable statutes, codes and ordinances;

(9) The dispensing of Medical Marihuana at the Growing Facility shall be prohibited;

i. If co-located with a Group "E" Special 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 Medical 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 ~~Medical—~~Marihuana Licensing ~~Board~~ **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 ~~Medical~~ 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 ~~Medical~~ Marihuana Facility, of any holder of

state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

- iv. To investigate alleged violations of the MMMA, **THE MRTMA**, and Medical Marihuana Facilities Licensing Act or applicable state laws.

I. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Processing Center

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 ~~Medical—Marihuana Licensing Board~~ **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 ~~Medical~~ 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 ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ 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 ~~Medical~~ Marihuana at the Processor facility shall be prohibited;
- i. If co-located with a Group "E" Special 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 ~~Medical~~ 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 ~~Medical~~ Marihuana Provisioning Centers **OR RETAILERS.**

J. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Secure Transport Facility

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 ~~Medical~~ Marihuana by a Secure Transporter shall comply with the following:

- i. Pursuant to Section E., 2., xii., 1. & 2., 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 ~~Medical Marihuana—Licensing Board~~ **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:

1. To inspect and examine all premises of ~~Medical~~ Marihuana Facility;
2. To inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, 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;

3. To inspect the
person(s), and
inspect or
examine personal
effects present, in
a ~~Medical~~
Marihuana
Facility, of any
holder or state
operating license
while that person
is present in a
~~Medical~~
Marihuana
Facility;

4. To investigate
alleged violations
of the MMMA
and Medical
Marihuana
Facilities
Licensing Act,
THE MRTMA,
or applicable
state laws.

vi. All marihuana stored
within the facility shall
be stored within
Enclosed Locked
Facilities in accordance
with the MMMA as
amended.

vii. 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:

1. Maintaining
adequate personal
cleanliness;

2. Washing hands
thoroughly
inadequate hand
washing areas
before starting
work and at any
other time when
the hands may
have become
soiled or
contaminated;

3. 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.

(4) 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.

(5) 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.

(6) 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 within 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 ~~Medical~~ 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 ~~Medical~~ Marihuana or a marihuana infused product.

(7) A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of ~~Medical~~ Marihuana to determine compliance with all state and local laws, rules, regulations and ordinances.

K. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Safety Compliance Facility

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 ~~Medical—Marihuana Licensing Board~~ **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 ~~Medical~~ 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 ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ 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 ~~Medical~~ 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 ~~Medical~~ Marihuana;

(7) All persons working in direct contact with ~~Medical~~ 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 ~~Medical~~ 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) ~~Medical~~ 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 ~~Medical~~ Marihuana Licensing ~~Board~~ **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 ~~Medical~~ 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 ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ Marihuana Facility.
- iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws.

L. **MINIMUM OPERATING STANDARDS OF**

**MARIJUANA
MICROBUSINESSES**

**THE FOLLOWING MINIMUM
STANDARDS FOR
MICROBUSINESSES SHALL
APPLY:**

- (1) OPERATING HOURS FOR
RETAIL CUSTOMERS
SHALL LIMITED TO
BETWEEN 8:00 A.M. AND
7:00 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" SPECIAL
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) PURSUANT TO SECTION
E., 2., XII., 1. & 2.,
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 AND 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, AND 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 INSURE
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 BE DONE INDOORS;

M. Location of Group "E" Special Regulated Uses

(1) Group "E" Special Regulated Uses shall be limited to the "D-5", "D-6", "E", "F", & "G" zoning districts. ~~For these Special Regulated Uses there shall be no other accessory uses permitted within the same facility other than those associated with the Provisioning of Medical Marihuana to registered patients.~~

(2) Group "E" Special Regulated Uses. An application to establish a Group "E" Special Regulated Use shall not be approved if there is already in existence four or more Group "A" or Group "E" Special Regulated Uses within 2,000 feet of the boundaries of the site of the proposed regulated use.

(3) Group "E" Special Regulated Use. An application to establish a Group "E" Special Regulated Use shall not be approved if the proposed location is within 1,000 feet of a Pre-K through 12 school, 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.

N. Location of Group "F" and "G" Special Regulated Uses

- (1) Group "F" and "G" Special Regulated Uses shall be limited to the "E", "F", & "G" industrial zoning districts. For Special Regulated Uses there shall be no other accessory uses permitted within the same facility.
- (2) Group "F" and "G" Special Regulated Use. An application to establish a Group "F" and "G" Special Regulated Use shall not be approved if the proposed location is within 1,000 feet of a Pre-K through 12 school, 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.

**O. LOCATION OF GROUP "G"
SPECIAL REGULATED USES**

- (1) GROUP "G" SPECIAL REGULATED USES SHALL BE LIMITED TO THE "D-3," "D-4," "D-5", "D-6", "E", "F", & "G" ZONING DISTRICTS.
- (2) GROUP "G" SPECIAL REGULATED USE. AN APPLICATION TO ESTABLISH A GROUP "G" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF A PRE-K THROUGH 12 SCHOOL, 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.

P. Denial and Revocation

(1) 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;

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

- i. Violation of this Ordinance;
- ii. 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;

- iii. 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;
- iv. 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;
- v. The ~~Medical~~—Marihuana Facility is determined by the City of Flint to have become a public nuisance;

- vi. The Michigan Medical Marihuana Licensing Board—REGULATORY AGENCY has denied, revoked or suspended the applicant's state license.

- (3) Any Special Regulated Use that ceases for more than 30 days shall not be resumed except by application and approval pursuant to §50-162, unless the hiatus is caused by a temporary revocation or suspense of the license and is pending a Planning Commission hearing.

Q. RESIDENT-INITIATED

HEARINGS; Penalties; Temporary Suspension of a License; Seizure and Forfeiture

- (1) 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.

- i. THE COMPLAINANT AND THE LICENSEE, AS RESPONDENT

FOR THE MARIJUANA FACILITY, SHALL BE NOTIFIED OF THE DATE AND TIME OF THE CASE REVIEW.

- ii. 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.

- iii. 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, AS OUTLINED IN THE AFOREMENTIONED

SECTION Q OF THIS ORDINANCE.

- (2) The City of Flint may require an applicant or holder of license of a ~~Medical~~ 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;
- (3) 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, as outlined in the aforementioned Section N- Q Immediate, temporary revocation or suspension of the Special 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;

- (4) 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;
- (5) 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.
- (6) The Planning Commission may temporarily suspend a ~~Medical~~ 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;
- (7) 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;

- (8) 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.

R. Lawful Non-Conforming and Grandfathered Locations

- (1) Any Provisioning Center applicant granted Group "E" Special 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 Special Regulated Use Group "E" license, will retain legal non-conforming rights and become a legal, conforming use.

- (2) ~~The collective amount of these grandfathered licenses will be subtracted from the license allocation amount listed in Section C.,2,i. (Medical Marihuana Provisioning Centers), with the difference representing the definite available allocation of Group "E" Special Regulated Use licenses available to the public,~~

~~pending approval for licensure by the State of Michigan.~~

- ~~i. Applicants who have fulfilled the relicensing requirements and successfully obtained a 2017-2018 Group "E" Medical Marihuana Provisioning Center License, will be granted an additional six (6) month extension to become complaint under the new terms of the Group "E" Special Regulated Use License, (insert ordinance number).~~

- ~~ii. Failure to become compliant under the revised Group "E" Special Regulated Use standards within a six (6) month period, will result in immediate revocation of the grandfathered license. Any number of licenses that are revoked will be added to the allocation amount listed in Section C.2,i. (Medical Marihuana Provisioning Centers).~~

- (3) Any previously licensed Medical Marihuana Cultivation or Growing Facility who received a Special 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" Special 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 as referenced in Section H. and the any location of a Growing Center must adhere to the standards established in Section M. "Location of a Group "F" and "G" Special Regulated Use.

(4) 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, PARKS OR PLACES OF WORSHIP, AND/OR DOES NOT MEET THE ZONING CLASSIFICATION REQUIRED UNDER THIS ORDINANCE, IS INELIGIBLE FOR ADMINISTRATIVE APPROVAL DESCRIBED IN SUBSECTION (F) AND MUST UNDERGO A PUBLIC HEARING BEFORE THE PLANNING COMMISSION PRIOR TO RECEIVING ANY ADDITIONAL LICENSE(S).

S. Transfer of Medical Marihuana Facility Licenses; Process

(1) Special Regulated Use permits are issued to the Applicant, and not to the location. Any changes to the Special 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 Special Regulated Use Permit by the City's Zoning Coordinator upon payment of a nonrefundable Special Regulated Use Permit Application fee.
- 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 Special Regulated Use Permit Application fee, completion of a background check for any new owner(s), and public hearing before the Planning Commission for approval of the transfer of the applicable

Special 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 A SPECIAL 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.

T. Group "E", "F" and "G" License Location Appeals Process

- (1) The Medical Marihuana Facilities Licensing Analysis "maps", developed and administered by the Planning & Zoning Division, symbolizes a spatial analysis performed utilizing the criteria listed in Section L. N.,1.-3. (Location of Group "E" Special Regulated Uses) and in Section M. O.,1.-3 AND P.1-3. (Location of Group "F" and "G" Special Regulated Uses, **RESPECTIVELY**). Any potential location of a Group "E", "F" or "G" Medical 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.

- i. No such variance shall be authorized by the Planning Commission unless the Commission finds that all of the following facts and conditions exist:

- 1. The proposed use will not alter the essential

character of the area.

2. The problem was not a self-created hardship.
3. The use will be compatible with adjacent uses of land.
4. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
5. Issuance of the variance would still ensure that the spirit of the ordinance is intact.

U. COMMUNITY BENEFIT LOCATIONAL EXEMPTIONS

- (1) **SOCIAL EQUITY PROGRAM EXEMPTION - APPLICANTS WHO APPLY FOR A GROUP "G" SRU, I.E. A MICROBUSINESS LICENSE, OR WHO APPLY FOR A GROUP "F" SRU 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:

- i. **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**
- ii. **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**
- iii. **THE APPLICATION IN QUESTION IS FOR A PARCEL ZONED D3 OR D4 FOR A MICROBUSINESSES, OR ZONED E FOR A CLASS A GROW FACILITY; AND**
 1. **THE APPLICANT MUST BE ABLE TO DEMONSTRATE THAT THEIR PROPOSED FACILITY**

WILL
DEMONSTRAB
LY BE AN
ASSET TO
THE
NEIGHBORHO
OD, AND AS
CONSTRUCTE
D AND
OPERATED BY
THE
APPLICANT
WILL NOT
HAVE ANY,
OR MINIMAL,
NEGATIVE
SECONDARY
EFFECTS ON
THE
NEIGHBORHO
OD.

NEGATIVE
SECONDARY
EFFECTS CAN
INCLUDE THE
FOLLOWING
IMPACTS:

2. VEHICULAR
AND
PEDESTRIAN
TRAFFIC;
3. NOISE,
ODORS, OR
LIGHTS THAT
EMANATE
BEYOND THE
SITE'S
BOUNDARIES
ONTO
PROPERTY IN
THE AREA ON
WHICH
THERE ARE
RESIDENTIAL
DWELLINGS;

4. EXCESSIVE
NUMBERS OF
PERSONS
GATHERING
OUTSIDE THE
ESTABLISHM
ENT;

5. PEAK HOURS
OF USE THAT
ADD TO
CONGESTION
OR OTHER
NEGATIVE
EFFECTS IN
THE
NEIGHBORHO
OD.

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.

- (2) BLIGHT ELIMINATION
PLAN EXEMPTION -
APPLICANTS WHO APPLY
FOR A GROUP "E," GROUP
"F," AND/OR GROUP "G"
SPECIAL 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.

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.

- (3) PARK BEAUTIFICATION
PLAN EXEMPTION -
APPLICANTS WHO APPLY
FOR A GROUP "E," GROUP
"F," AND/OR GROUP "G"
SPECIAL 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
RECREATION

AL
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
MAINTENANC
E 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),

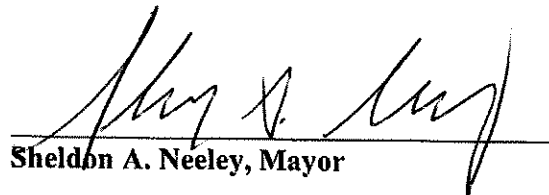
AND/OR MAY BE
SUBJECT TO THE
LICENSE
REVOCATION
PROCESS OUTLINED
IN THIS
ORDINANCE.

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.

- (4) 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 immediately upon adoption.

Adopted this _____ 8th _____ day of
February _____ 2021, A.D.


Sheldon A. Neeley, Mayor


Inez M. Brown, City Clerk

APPROVED AS TO FORM:


Angela Wheeler, Chief Legal Officer