CITY OF MT. MORRIS
PLANNING COMMISSION
AGENDA

November 21, 2016
6:30 p.m.

1. **MEETING CALLED TO ORDER:** Chairman Marc Gauze.
2. **SWEARING IN OF MEMBERS:** Mark Middleton.
3. **APPROVAL OF MINUTES:** Approval of September 19, 2016 meeting minutes.
4. **COMMUNICATIONS:**
5. **PUBLIC COMMENT:**
6. **OLD BUSINESS:**
    a. None.
7. **NEW BUSINESS:**
    a. Medical Marihuana Rules and Regulations.
8. **PUBLIC COMMENT:**
9. **UPDATES:**
10. **PLANNING COMMISSION COMMENTS:**
11. **ADJOURNMENT:**

PLEASE BE COURTEOUS TO OTHERS
TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES PRIOR TO THE MEETING.

CITY OF MT MORRIS
PLANNING COMMISSION
September 19, 2016

At **6:30 p.m.,** Chairman Marc Gauze called the Planning Commission Meeting to Order.

PRESENT: Marc Middleton, Marc Gauze, Lillian Bigelow, Interim City Manager/Treasurer Vicki Fishell, and Boyce A. Judkins.

ABSENT: Dan Davis.

OTHERS: City Clerk Kristina Somers.

APPROVAL OF MINUTES:

A motion was made by Boyce A. Judkins and seconded by Lillian Bigelow to approve the minutes of the regular meeting held on July 18, 2016.

All ayes.
Motion carried.

COMMUNICATIONS:

Mayor Boyce A. Judkins commented on the Downtown Planning meeting emails he receives, and will forward to Chairman Marc Gauze for review.

PUBLIC COMMENT:

None.

OLD BUSINESS:

a. **None.**

NEW BUSINESS:

a. **Public Hearing on Conditional Use Permit request for 657 W. Mt. Morris Road.**

A motion was made by Lillian Bigelow, and seconded by Marc Middleton to open the public hearing on Conditional Use Permit for 657 W. Mt. Morris Road at 6:33pm.

All Ayes.
Motion carried.

Chairman Marc Gauze questioned owner James Jacob on the amount of vehicle's that would be located at the proposed address.

Owner James Jacob stated that there would be a total of 5-10 cars located at the proposed address.

Mayor Boyce A. Judkins discussed location of sign, and asked if owner James Jacob would be installing a security camera.

Owner James Jacob stated his sign will be attached to the building, and is looking into a security system.

John Fejedelem – 604 Walnut – Asked Owner James Jacob the year of cars he would be selling, what type of warranty would the vehicles have if granted the Conditional Use Permit, and if he was a city resident.

Owner James Jacob stated that the average year of the vehicles would be 2005 or newer, sold "As Is" with low mileage, and that he currently lives in Grand Blanc.

A motion was made by Lillian Bigelow, and seconded by Marc Middleton to close public hearing on Conditional Use Permit for 657 W. Mt. Morris Road at 6:37pm.

All Ayes.
Motion carried.

b. Action on Conditional Use Permit request for 657 W. Mt. Morris Road.

A motion was made by Lillian Bigelow, and seconded by Marc Middleton to approve requested Conditional Use Permit for 657 W. Mt. Morris Road.

Roll call: ____5___Ayes ___0___Nays ___1___Absent (Davis)

Motion carried.

PUBLIC COMMENT:

None.

UPDATE:

None.

PLANNING COMMISSION COMMENTS:

Mayor Boyce A. Judkins discussed receiving notice of absence from Mark Middleton, and Dan Davis. Informed commission that he will let Donny Lemmon know of new business owner in the city, and stated he would check with Land Bank, to get a list of Demo's for Lillian Bigelow.

Marc Gauze asked City Clerk to obtain draft Medical Marijuana ordinance with amendments, and House Bills that were passed for review at the next meeting. Discussed working on Master Plan, would like to start with Table 22a Employer in the City of Mt. Morris, Genesee County, Michigan (Page 48). Discussed DDA boundaries, and Block Grant uses.

Lillian Bigelow discussed Master Plan starting on page 105 Downtown Structural Quality Survey, elimination of slums or blight. Lillian would like to see the Planning Commission review, and work on this section at the October or November meeting.

ADJOURNMENT:

With no further business, the meeting was adjourned at **6:59 p.m.**

Lillian Bigelow, Secretary

Kristina Somers, City Clerk

CITY OF MT. MORRIS, MICHIGAN
ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF MT. MORRIS, MICHIGAN TO ESTABLISH LAND USE AND ZONING REQUIREMENTS ATTENDANT THERETO; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF MT. MORRIS; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF MT. MORRIS ORDAINS:

SECTION ONE: Chapter _____ of the City of Mt. Morris Code of Ordinances is hereby replaced in its entirety to read as follows:

_____.1 Legislative Intent.

_____.2 Definitions, Interpretation and Conflicts.

_____.3 Operation without License Prohibited.

_____.4 License Application Submission.

_____.5 License Application Evaluation.

_____.6 Licenses Generally.

_____.7 Minimum Operational Standards of Provisioning Center.

_____.8 Minimum Operational Standards of Grower Facility.

_____.9 Minimum Operational Standards of Safety Compliance Facility.

_____.10 Minimum Operational Standards of Processor Facility.

_____.11 Location of Grower Facility, Safety Compliance Facility, Processor Facility, and Secure Transporter.

_____.12 Location of Provisioning Centers.

_____.13 Denial and Revocation.

_____.14 Penalties.

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SECTION _____.1 LEGISLATIVE INTENT.

The purpose of this chapter is to exercise the police regulatory, and land use powers of the City of Mt. Morris by licensing and regulating Provisioning Centers, Grower Facilities, Safety Compliance Facilities, Processor Facilities, and Secure Transporter to the extent permissible under State of Michigan and federal laws and regulations and to protect the public health, safety, and welfare of the residents of the City of Mt. Morris; and as such this Chapter constitutes a public purpose.

The City finds that the activities described in this chapter are significantly connected to the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

It is not the intent of this chapter to diminish abrogate, or restrict the protections for medical use of Marihuana found in the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act.

SECTION _____.2 DEFINITIONS, INTERPRETATION AND CONFLICTS.

For the purposes of this Chapter:

(A) 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, shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended. If the definition of a word or phrase set forth in this Chapter conflicts with the definition in the MMMA 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 shall apply.

(B) Any term defined by 21 USC 860(E) referenced in this Chapter shall have the definition given by 21 USC 860(E).

(C) This ordinance shall not limit an individual's or entity's rights under the MMMA or the Medical Marihuana Facilities Licensing Act. The MMMA and the Medical Marihuana Facilities Licensing Act supersede this Ordinance where there is a conflict between them.

(D) All activities related to Marihuana, including those related to a Provisioning Center, a Grower Facility, Secure Transporter, Processor Facility, or a Safety Compliance Facility shall be in compliance with the rules of the Medical Marihuana Licensing Board, the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the City of Mt. Morris, and the MMMA and the Medical Marihuana Facilities Licensing Act.

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(E) Any use which purports to have engaged in the cultivation or processing of Marihuana into an usable form, or the distribution of Marihuana, or the testing of Marihuana either prior to or after enactment of this Chapter but without obtaining the required licensing set forth in this chapter shall be deemed to not be a legally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter and/or state law. The City finds and determines that it has not heretofore authorized or licensed the existence of any Medical Marihuana Facility, as defined herein, in the city.

(F) The following terms shall have the definitions given:

"Chapter" means this Chapter _____.

"City" means the City of Mt. Morris, Michigan.

"Council, or City Council" means the City Council of Mt. Morris, Michigan.

"Enclosed Locked Facility" means a closet, room, or other comparable, stationary, and fully enclosed are equipped with secured locks or other functioning security devices. Marihuana plants grown outdoors are considered to be in a enclosed, locked facility if they are not visible to the unaided eye from a adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all asides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground and as defined in the MMMA..

"Grower" or "Grower Facility" means a commercial entity that cultivated, dries, trims, or cures and packages Marihuana for sale to a Processor or Provisioning Center.

"License Application" refers to the requirements and procedures set forth in Sections _____.4 and _____.5.

"Marihuana Plant(s)" means any plant of the species Cannabis sativa L.

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

"Medical Marihuana Facility(ies)" means any facility, establishment and/or center that is required to be licensed under this Chapter including a Provisioning Center, Grower, Processor, Safety Compliance Facility, and Secure Transporter.

"Ordinance" means the ordinance adopting this Chapter _____.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

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"Processor" or "Processor Facility" means a commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

"Provisioning Center" means a commercial entity 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 is not a Provisioning Center for the purposes of this Ordinance.

"Restricted/Limited Access Area" means a building, room or other area under the control of the licensee with access governed by the MMMA or other applicable state law.

"Safety Compliance Facility" means a commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.

"Secure Transporter" means a commercial entity that stores Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.

"Stakeholder" means, with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

"State" means the State of Michigan.

(G) Any term defined by the MMMA or the Medical Marihuana Facilities Licensing Act and not defined in this Chapter shall have the definition given in the MMMA or the Medical Marihuana Facilities Act.

SECTION _____.3 LICENSE ALLOCATION AND ANNUAL FEES.

(A) No person shall operate a Provisioning Center, Grower Facility, Processor Facility or Safety Compliance Facility in the City of Mt. Morris without first obtaining a license to do so from the City Clerk and the State of Michigan.

(B) The City Clerk, after the approval from City Council, shall issue no more than [two (2) Provisioning Center licenses]. There shall be no cap or limit on licenses for Medical Marihuana Facility excluding the license for Provisioning Centers. The term of each license shall be one (1) year.

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(C) The non-refundable application fee for a Medical Marihuana Facility license shall be $2,500.00. The annual fee for a Medical Marihuana Facility License shall be $2,500.00

SECTION _____.4 LICENSE APPLICATIONS SUBMISSION.

(A) Application for each Medical Marihuana Facility license required by this Chapter shall be made in writing to the City Clerk, and must be approved by the City Council after receiving recommendation submitted 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 Mt. Morris for one (1) year if (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 Mt. Morris; and (4) the applicant has paid and received the renewal of its State license.

(B) An application for a Medical Marihuana Facility license required by this chapter shall contain the following:

1. The appropriate non-refundable application fee and the refundable licensee fee in the amount per Section _____.3(C);

2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;

3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation;

4. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary by the City Clerk;

5. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least 18 years of age and have never been indicted for, charged with, arrest for, or convicted of, 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.

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6. 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 Clerk;

7. A signed release authorizing the City of Mt. Morris 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;

8. 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;

9. An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;

10. One of the following: (a) proof of ownership of the entire premises wherein the 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 chapter along with a copy of the lease for the premises;

11. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or 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;

12. A description of the security plan for the Medical Marihuana Facility, 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;

13. 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;

14. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. Specifically, that the applicant or Stakeholder of the applicant has not failed to

pay any property taxes, special assessments, fines, fee or other financial obligations to the City;

15. An affidavit that the transfer of Marihuana to and from Medical Marihuana Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws;

16. A staffing plan;

17. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;

18. A patient education plan;

19. A business plan;

20. 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 public or private elementary, vocational or secondary school; and church or religious institution if recognized as a tax-exempt entity as determined by the [City Assessor or County Assessor's office];

21. 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;

22. Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the Medical Marihuana Facility, but in no event less than $250,000.00, in immediately available funds;

23. As it relates to a Grower Facility, the following additional items shall be required:

    i. A grower plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;

    ii. A 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;

    iii. An affidavit that all operations will be conducted in conformance with the MMMA, the Medical Marihuana Facilities Licensing Act 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, and the Medical Marihuana Facilities Licensing Act;

iv. A chemical and pesticide storage plan that states the names of pesticides to be used in Grower and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;

v. All Growers must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.

(C) Upon receipt of a completed Medical Marihuana Facility application meeting the requirements of this Chapter and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to [Section ____.03(A)], the City Clerk 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 Office or similar city department], the [Zoning Administrator or similar city official], and the [City Treasurer or their designee]. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the City Clerk shall forward the applications to the Planning Commission for recommendation to the City Council.

(D) No application shall be approved unless:

1. The [Fire Department or designee] and the [Building Safety Office or similar city department] have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;

2. 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 City of Mt. Morris Police Department;

3. The [Zoning Administrator or similar city official] has confirmed that the proposed location complies with the Zoning Code;

4. The [City Treasurer or their designee] has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City;

5. 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;

(E) If written approval is given by each individual or department identified in Subsection (a) – (e), the City Clerk 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;

(F) Licensees shall report any other change in the information required by Subsection (b) to the City Clerk within ten days of the change. Fees shall be set by Council Resolution for any Srakeholder added after the original Application is filed.

SECTION _____.5 LICENSE APPLICATIONS EVALUATION.

(A) The City Council and Planning Commission will assess all applications referred to it by the Planning Commission pursuant to Section _____.4 and _____.5.

(B) In its application deliberations, the City Council shall assess each application in each of the following categories:

1. The applicant's experience in operating other similarly licensed businesses.

2. The applicant's general business management experience.

3. The applicant's general business reputation.

4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Medical Marihuana Facility of the applicant.

5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed Medical Marihuana Facility.

7. Whether the applicant has been indicted for, changed with, arrest for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or revered as appeal or otherwise.

8. Past convictions of the applicant involving any of the following, but limited to:

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

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9. A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.

10. Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years.

11. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for one (1) or more years.

12. Whether the applicant has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

13. As it related to operation of a Provisioning Center, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed Provisioning Center.

(C) City Council shall assess each application with aforementioned categories Section _____.5(B)(1) through (13) and issue a license to the applicant most qualified and meets the most categories in this section.

SECTION _____.6 LICENSES GENERALLY.

(A) To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 ET SEQ. Furthermore, no personal information concerning the applicant shall be submitted to City Council.

(B) Licensees may transfer a license issued under this Chapter to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer a license location, the licensee must make a written request to the City Clerk, indicating the current license location and the proposed license location, upon receiving the written request, the City Clerk shall refer a copy of the written request to each of the following for their approval: the [Fire Department or their designee], the [Building Safety Office or similar city department], the [Police Department or their designee], the [Zoning Administrator or other city official], the [City Treasurer or their designee], and the City Council. No License transfer shall be approved unless each such individual or department gives written approval that the Licensee and the proposed License location meet the standards identified in this Ordinance.

(C) Licensees may transfer a license issued under this Chapter to a different individual or entity upon receiving written approval by the City Clerk. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the City Clerk, indicating the current licensee and the proposed licensee. Upon receiving the written

request, the City Clerk shall consider the request as a new application for a license and the procedures set forth in ____.__ and ____.__ shall be followed.

(D) Licensees shall report any other change in the information required by this Chapter to the City Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

SECTION _____.7 MINIMUM OPERATIONAL STANDARDS OF PROVISIONING CENTERS.

The following minimum standards for Provisioning Center shall apply:

(A) No Provisioning Center shall be open between the hours of 9 p.m. and 9 a.m.;

(B) Consumption of Marihuana shall be prohibited on the premises of a Provisioning Center, and a sign shall be posted on the premises of each Provisioning Center indicating that consumption is prohibited on the premises;

(C) Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days;

(D) Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law, public or common areas of the Provisioning Center must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act or applicable state law, no Marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public;

(E) All Marihuana storage areas within Provisioning Center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA and Medical Marihuana Facilities Licensing Act 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 or the Medical Marihuana Facilities Licensing Act;

(F) Any usable Marihuana remaining on the premises of a Provisioning Center while the Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises;

(G) Drive-through window on the premises of a Provisioning Center shall not be permitted;

(H) Provisioning Center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises;

(I) No Provisioning Center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Provisioning Center is operated;

(J) The license required by this Chapter shall be prominently displayed on the premises of a Provisioning Center;

(K) Disposal of Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with state laws;

(L) All Marihuana delivered to a patient shall be packaged and labeled as provided by state laws.

(M) All registered patients must present both their Michigan Medical Marihuana patient/caregiver identification card and a government issued photo identification prior to entering restricted/limited areas or non-public areas of the Provisioning Center, and if no restricted/limited area is required, then promptly upon entering the Provisioning Center.

(N) The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the state police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act 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, 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.

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

(O) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.

(P) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.

(Q) It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.

(R) No licensed Provisioning Center shall place or maintain, or cause to be placed or maintained, an advertisement of Marihuana in any form or through any medium within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school.

(S) Certified laboratory testing results that meets the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws must be available to all Provisioning Center patients/customers upon request.

SECTION _____.8 MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY

The following minimum standards for Grower Facility shall apply:

(A) The Grower facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;

(B) The premises shall be open for inspection upon probable cause that a violation of this Chapter has occurred, during the stated hours of operation and as such other times as anyone is present on the premises;

(C) Any Grower Facility shall maintain a log book and/or database indicating the number of Marihuana Plants. Each Marihuana Plant will be tagged as required by the MMMA and Medical Marihuana Facilities Licensing Act;

(D) All Marihuana shall be contained within an Enclosed Locked Facility;

(E) All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located;

(F) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the City of Mt. Morris Fire Department to insure compliance with the Michigan Fire Protection Code;

(G) The dispensing of Marihuana at the Grower Facility shall be prohibited;

(H) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;

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2. 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;

3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(I) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed;

(J) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

(K) There shall be adequate screening or other protection against the entry 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;

(L) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

(M) Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;

(N) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

(O) Grower Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;

(P) Exterior signage or advertising identifying the facility as a Grower Facility shall be prohibited.

SECTION_____.9 MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY.

The following minimum standards for Safety Compliance Facility shall apply:

(A) The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA and Medical Marihuana Facilities Licensing Act or applicable State laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;

(B) Consumption and/or use of Marihuana shall be prohibited at the facility;

(C) The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the state police, without a warrant and without notice

to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act 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 Facilities.

2. 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.

3. 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.

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

(D) Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws;

(E) All Marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws;

(F) There shall be no other accessory uses permitted within the same facility other than those associated with testing Marihuana;

(G) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty;

(H) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed;

(I) Floors, walls and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair;

(J) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

(K) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

(L) Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.

SECTION _____.10 MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY.

The following minimum standards for Processor Facility shall apply:

(A) The Processor shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;

(B) Consumption and/or use of Marihuana shall be prohibited at the Processor Facility;

(C) All activity related to the Processor Facility shall be done indoors;

(D) The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act 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 Facilities.

2. 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.

3. 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.

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

(E) Any Processor Facility shall maintain a log book and/or database which complies with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws;

(F) All Marihuana will be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act or applicable state laws.

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(G) All Marihuana shall be contained within Enclosed locked facility in accordance with the MMMA, as amended;

(H) All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of Marihuana are located;

(I) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the City of Mt. Morris Fire Department to insure compliance with the Michigan Fire Protection Code;

(J) The dispensing of medical Marihuana at the Processor facility shall be prohibited;

(K) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;

2. 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.

3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(L) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed;

(M) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

(N) There shall be adequate screening or other protection against the entry 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;

(O) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

(P) Each Processor Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;

(Q) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

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(R) Processor Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;

(S) Processor Facility shall produce no products other than useable Marihuana intended for human consumption.

(T) Exterior signage or advertising identifying the facility as a Processor Facility shall be prohibited.

SECTION _____.11 LOCATION OF GROWER FACILITY, SAFETY COMPLIANCE FACILITY, PROCESSOR FACILITY, AND SECURE TRANSPORTER.

(A) No Grower Facility, Safety Compliance Facility, Processor Facility, or Secure Transporter shall be located within one thousand (1,000) feet of real property comprising a public or private elementary, vocational, or secondary school.

(B) All Grower Facility, Safety Compliance Facility, Secure Transporter, and Processor Facility shall be subject to Section _____.11(A) and shall be limited to the [Industrial and Agricultural Zoning District] as identified in the City Zoning Ordinance.

SECTION _____.12 LOCATION OF PROVISIONING CENTERS.

(A) No Provisioning Center shall be located within:

1. One thousand (1,000) feet of real property comprising a public or private elementary, vocational, or secondary school; or

2. Five hundred (500) feet of a church or religious institution defined as exempt by the [City Assessor or County Assessor office].

(B) All Provisioning Centers shall be subject to Section _____.12(A) and shall be limited to the [Commercial - General Business Zoning District] as identified in the City Zoning Ordinance.

SECTION _____.13 DENIAL AND REVOCATION.

(A) A license issued under this chapter may be revoked after an administrative hearing at which the City Clerk determines that any grounds for revocation under Subsection (2) 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 or any address provided pursuant to Section _____;

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

1. Violation of this Chapter;

2. Any conviction of or release from incarceration for a felony under the laws of this State, any other state, or the United States within the past five (5) years by the Applicant or any stakeholder of the Applicant as measured from the date of the Application or the date of becoming a stakeholder, whichever occurs later, or while licensed under this Chapter; or any conviction of a substance-related felony by the Applicant or any stakeholder of the Applicant ever or while licensed under this Chapter;

3. Commission of fraud or misrepresentation or the making of a false statement by the Applicant or any stakeholder of the Applicant while engaging in any activity for which this Chapter requires a license;

4. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Chapter and the rules and regulations governing the Medical Marihuana Program in the State of Michigan;

5. The Medical Marihuana Facility is determined by the City of Mt. Morris to have become a public nuisance;

6. The Michigan Medical Marihuana Licensing Board has denied, revoked or suspended the applicant's state license.

SECTION _____.14 PENALTIES AND DISCIPLINE.

(A) The City of Mt. Morris 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 Chapter. Failure to provide the required material may be grounds for application denial, license revocation, or discipline;

(B) Any person in violation of any provision of this Chapter or any provision of a license issued under this chapter is responsible for a misdemeanor, punishable by a fine of up to $500.00 plus cost of prosecution, 90 days imprisonment, or both, or each violation. This section is not intended to prevent enforcement of any provision of the State law by the City of Mt. Morris Police Department;

(C) All fines imposed under this Chapter 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;

(D) The City Clerk may temporarily suspend a Medical Marihuana Facility License without a hearing if the City Clerk finds that public safety or welfare requires emergency action. The City Clerk shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceedings for a Hearing;

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(E) If the City Clerk 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;

(F) If the City Clerk 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.

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