

ARTICLE V. - MEDICAL MARIHUANA FACILITIES

Sec. 18-401. - Definitions.

As used herein:

City means the City of Center Line.

Marihuana means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Sec. 18-402. - Purpose and intent.

Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of Marihuana not in strict compliance with Michigan law.

Also, since Federal law is not affected by Michigan law, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Michigan law does not protect users, caregivers, property owners, or distributors from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. Marihuana use or distribution may incur civil or criminal liability. Marihuana is classified federally as a Schedule I Drug under the Controlled Substances Act, 21 USC 13 § 801 et. seq., and is illegal to possess, manufacture, distribute, or dispense. Schedule I drugs have a high potential for abuse and Marihuana is not an approved medical treatment of the Food and Drug Administration.

It is determined necessary for the health, safety and welfare of the City to adopt this Article regulating the use of Marihuana due to the following factors:

- (1) to ensure that the procedures utilized are compatible with the character of the community,
- (2) to protect against adverse effects upon children, established family relations, property values and public safety from the location of, and easy access to, Marihuana in close proximity to homes, apartments, schools, churches, licensed day care centers, and public parks, and to deter the impression of legitimacy to such uses, and
- (3) to protect the citizens from any dangers associated with the growth of Marihuana.

Sec. 18-403. – Medical Marihuana Home Occupation.

This Section contains words and phrases that are defined in the Michigan Medical Marihuana Act, 2008 IL 1 (“MMMA”). As used in this Section, capitalized words and phrases have the same meaning as provided in the MMMA, unless defined otherwise herein.

As used herein, “Medical Marihuana Home Occupation” means an accessory use that is conducted by a Registered Primary Caregiver who resides in the dwelling and (1) is performed within a single-family dwelling or an accessory building to that single-family dwelling, (2) is for the purpose of assisting one or more Registered Qualifying Patients with the medical use of Marihuana who do not reside in the dwelling, and (3) complies with the Michigan Medical Marihuana Act, 2008 IL 1 (“MMMA”).

Medical Marihuana Home Occupations do not require Permits. A Registered Primary Caregiver may grow, store, manufacture and cultivate medical Marihuana as a Medical Marihuana Home Occupation in a residential district for not more than five Registered Qualifying Patients and the Registered Primary Caregiver only, subject to the following conditions:

- (1) The Registered Primary Caregiver or the Registered Qualifying Patient must live in and be the permanent resident of the dwelling. Not more than one Registered Primary Caregiver shall be permitted to service Registered Qualifying Patients in a dwelling;
- (2) The activity is solely confined to the areas of a residential property as provided for in the Michigan Medical Marihuana Act;
- (3) No Marihuana is sold or offered for sale on the premises, except as is produced on the premises by the Registered Primary Caregiver for the Registered Qualifying Patient(s) only;
- (4) No internal or external alterations or construction features or equipment, not customarily found in residential areas, are permitted;
- (5) Space for the activity shall not occupy more than 400 square feet of the dwelling;
- (6) No sign advertising the activity shall be displayed;
- (7) The activity shall not generate noise or odors offensive to the neighborhood;
- (8) The activity shall not interfere with the permitted uses in the neighborhood or make the premises unsuitable for residential use;
- (9) The dwelling of a Registered Primary Caregiver must be located outside of a 400-foot radius from any school, including child care or day care facility;
- (10) The dwelling shall not be within 400 feet of the property line of any church, house of worship or other religious facility or institution;
- (11) The dwelling shall not be within 400 feet of any public park, publicly owned building or recreational area commonly used by children;

- (12) The dwelling shall not be within 400 feet of another Registered Primary Caregiver; and
- (13) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

Sec. 18-404. – Repealed.

Sec. 18-405. – Repealed.

Sec. 18-406. – MMFL Permit Allowance and Application Ordinance.

This Section contains words and phrases that are defined in the Medical Marihuana Facilities Licensing Act (Public Act 281 of 2016) (“MMFLA”). As used in this Section, capitalized words and phrases have the same meaning as provided in the MMFLA, unless defined otherwise herein.

- (1) Under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101, et seq. (the "MMFLA"), a municipality may adopt an ordinance to authorize 1 or more types of Marihuana facilities ("Facilities") within its boundaries and to limit the number of each type of Marihuana Facility.
- (2) Under the MMFLA, a municipality may promulgate other regulations relating to Marihuana Facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of Marihuana or interfering or conflicting with the MMFLA.
- (3) The City hereby establishes the type and number of Facilities it will authorize within its boundaries and additional regulations pertaining to such Facilities.
- (4) No person may operate a Facility in the City without a permit (“Permit”). The Permit requirement in this chapter applies to all commercial Marihuana locations that exist on the effective date of this Ordinance or are established after the effective date of this Ordinance and apply to all persons and entities who engage or have engaged in any of the activities that may obtain a state operating license under the MMFLA, or which purport to operate pursuant to the MMFLA, without regard to whether they called or call their businesses “wellness centers,” “dispensaries,” “cultivation facilities,” “clubs,” “cooperatives,” or any other similar label. A person who engaged in any of the activities that are included in the definitions in the MMFLA of the types of entities that may obtain a state operating license before the effective date of the MMFLA or before obtaining a state operating license does not have a vested right to obtain a City Permit.

- (5) The following types of Facilities shall be authorized in the City by issuance of a Permit as provided herein, in the quantities specified, subject to all applicable laws and ordinances, including zoning requirements:
- (a) Growers.
 - i. The number of Class A Growers shall be limited to five, provided that the total combined number of Class A Growers authorized under this Article and under Article VI, Marihuana Establishments does not exceed five total Class A Growers.
 - ii. The number of Class B Growers shall be limited to five, provided that the total combined number of Class B Growers authorized under this Article and under Article VI, Marihuana Establishments does not exceed five total Class B Growers.
 - iii. The number of Class C Growers shall be limited to twenty, provided that the total combined number of Class C Growers authorized under this Article and under Article VI, Marihuana Establishments, does not exceed twenty total Class C Growers.
 - (b) Processors. The number of processors shall be limited to 15, provided that the total combined number of processors authorized under this Article and under Article VI, Marihuana Establishments, does not exceed 15 total processors.
 - (c) Secure Transporters. The number of secure transporters shall be limited to 15, provided that the total combined number of secure transporters authorized under this Article and under Article VI, Marihuana Establishments, does not exceed 15 total secure transporters.
 - (d) Provisioning Centers. The number of provisioning centers shall be limited to 15, provided that the total combined number of single locations of Provisioning Centers authorized under this ordinance and marihuana Retailers authorized under Article VI does not exceed 15 such locations. By way of example, if 14 marihuana Retailers under Article VI, Marihuana Establishments have been authorized, then only 1 marihuana Provisioning Center may be authorized at a new location. However, up to 14 additional Retailers could be authorized under this ordinance, provided that they were co-located with Provisioning Centers already established.
 - (e) Safety Compliance Facilities. The number of safety compliance facilities shall be limited to 15, provided that the total combined number of safety

compliance facilities authorized under this Article and under Article VI, Marihuana Establishments, does not exceed 15 total facilities.

- (6) The foregoing Permit quantities shall be subject to the availability of locations in areas zoned for Facilities and shall be reduced to the extent locations are unavailable in such areas.
- (7) Any Facilities approved under this Ordinance and under the MMFLA shall comply with the City of Center Line zoning provisions and shall be limited to locations, and only located within a building, within the M1 and M2 zoning districts, and shall be located, by street address, in said zoning districts on Liberal Avenue, Lawrence Avenue, Bernice Avenue, and Sherwood Avenue only, and subject to the following conditions and set-back requirements below:
 - (a) Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Facility must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical Marihuana.
 - (b) A Facility must be 400 feet or more from any school, including child care or day care facility.
 - (c) Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Facility must be 200 feet or more from the property line of any church, house of worship, or other religious facility or institution.
 - (d) Except for Facilities qualifying as Secure Transporters or Safety Compliance Facilities under MCL 333.27101, *et. seq.*, a Facility must be 200 feet or more from any public park, publicly owned building or recreational area commonly used by minor children.
- (8) Each applicant for authorization to operate a Facility within the City shall pay a non-refundable application fee of \$1,500, fill out the City's application form, and provide all documentation and information requested by the City. Without limitation, the applicant must specify the property address of the proposed Facility, which must be located within an area zoned for such use and provide proof of ownership or tenancy of said property. In the event an applicant supplies a binding purchase agreement and the applicant is otherwise deemed to qualify for a Permit, the City may issue a Permit conditioned on the applicant submitting a deed to the property within ninety (90) days of issuance of the Permit. The City Manager shall, consistent with the requirements of this Ordinance, evaluate and nominate for approval by the City Council those applicants which the City Manager determines should be awarded a Permit ("Nominees"). In determining the Nominees, the City Manager shall consider the following criteria: (1) compliance with application requirements; (2)

compliance with the requirements of this Ordinance; (3) capitalization and means to operate the proposed Facility; (4) business history and experience, including previous experience with the City of Center Line; (5) regulatory compliance/legal history; (6) strength of business plan; (7) integrity, moral character, and cooperation level with the City; (8) financial benefit to the City; and (9) any other consideration relevant to the public health, safety, or welfare. Upon receipt of the City Manager's Nominees, the City Council shall conduct a vote on each Nominee, and any Nominee approved by a simple majority of the City Council shall be issued a Permit. Permits are non-transferable and non-assignable and shall be specific to the Licensee and the location authorized. A transfer of an ownership interest in a business entity operating a Facility shall be deemed to be a transfer hereunder.

- (9) Each licensee operating a Facility within the City shall pay to the City, on an annual basis, a non-refundable fee of \$5,000.00 per license to help defray administrative and enforcement costs.
- (10) All Facilities shall be inspected by the City on an annual basis to ensure (i) compliance with applicable regulations and requirements; and (ii) that there are appropriate electrical, fire safety, plumbing, filtration, and waste disposal systems provided on-site. Each Licensee shall pay to the City an annual inspection fee of \$4,000 to cover the cost of such inspections. In addition to the foregoing annual inspections, the City may inspect any Facility, at any time, upon reasonable cause to believe that a violation of Michigan law or this ordinance has occurred.
- (11) All Facilities operating within the City shall be subject to the following additional requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the MMFLA, the MMFLA shall prevail.
 - (a) Exterior signage. Facilities may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a Marihuana leaf or other commonly recognized symbol, or for Marihuana or which utilize any of the following words: marijuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for Marihuana or Marihuana-related products.
 - (b) Hours of Operation. Facilities may only operate between the hours of nine o'clock a.m. and nine o'clock p.m.

- (c) Use at Facilities. No Marihuana may be smoked, used, or consumed at any Facility.
- (d) Indoor Operations/No Drive-Thru Service. All business operations of a Facility must occur indoors. Facilities may not provide drive-thru service.
- (e) Transportation. Any Facility selling usable Marihuana as defined in MCL 333.26423(n), must, at the time of sale, provide all purchasers with a copy of Center Line Ordinance Sec. 46-180.
- (f) Odors. Facilities may not emit noxious odors or fumes.
- (g) Artificial Lighting. Any artificial lighting must not be visible from neighboring properties, streets, or rights of way.
- (h) Security. Facilities must have:
 - i. a monitored alarm system (24 hours per day and 7 days a week);
 - ii. a safe for all cash, cash equivalents, and Marihuana stored in the Facility overnight;
 - iii. secured parking areas, with secure, decorative fencing around the entire perimeter and with a gated entry for vehicular traffic; such gate may remain open during operating hours and must be securely locked after hours;
 - iv. security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where Marihuana is stored or handled;
 - v. All security recordings must be maintained for a minimum of thirty (30) days and provided to law enforcement upon request.
 - vi. All Facilities must provide to the City an IP address which provides the City with real-time access to all security camera feeds at the Facility.
- (i) Display of Permit. The Permit issued by the City and the License issued by the State of Michigan shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
- (j) Access by Minors. No person under the age of 18 shall be permitted to enter a Facility.

- (k) Systems. All Facilities must have electrical, fire safety, plumbing, filtration, and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.
 - (l) Fire Suppression Systems. All facilities, no matter the square footage, shall have approved and installed fire suppression systems, with all square footage of the facility fire suppressed and covered with overhead sprinkler head fire suppression systems, as dictated by the City of Center Line Fire Marshall.
 - (m) Compliance with Laws. All Facilities must be operated in compliance with the MMFLA, all regulations promulgated under the MMFLA, and all other applicable federal, state, and local laws, regulations, and ordinances.
- (12) No Temporary Certificates of Occupancy. No Facility may operate under a temporary certificate of occupancy. Facilities must be in full compliance with all applicable legal requirements in order to operate.
- (13) Termination of Authorization. If a Facility is operated in violation of Michigan law or any applicable ordinance, or if the Licensee is found to have submitted false or misleading information in its Permit application, the City may revoke the Permit for such Facility to operate within City. The City retains the right to alter the number and type of Facilities authorized hereunder at any time. Any Permit granted hereunder is a revocable privilege granted by the City and is not a property or other legal right.
- (14) Penalties. With respect to any Facility that is in violation of any requirement or restriction set forth in Section I hereof, the Licensee of a Facility, all persons identified pursuant to MCL 333.27401(1)(b), and any on-site manager shall be subject to the following penalties:
- (a) Any violation shall be a misdemeanor and may be punished by a fine of not more than \$1,500 and/or imprisonment not exceeding 90 days and the violator(s) shall pay all court costs and expenses.
 - (b) The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent City from enforcing any other applicable ordinance.
 - (c) In addition to the remedies provided herein, the City may file for injunctive relief to abate any violation hereof.

(Ord. No. 405, 5-5-18)

Sec. 18-407. - Repealed.