

City of Negaunee Marihuana Ordinance

Sec 1

(a) [Purpose.]

The City of Negaunee recognizes a compelling interest in establishing standards and procedures for the operation of Medical and Adult-Use Marihuana Establishments within the City for Negaunee. Such standards are an important factor supportive of the general health, safety and welfare of all of its citizens of the City of Negaunee.

(b) Scope.

- (1) This code shall apply to any properties that are licensed to conduct Marihuana cultivation, processing, transporting, or any other licensed Marihuana establishment activity within the city limits
- (2) This chapter does not apply to personal use cultivation of Marihuana as allowed by state law
- (3) This chapter shall be enforced by the City Manager or his/her authorized representatives. The City Manager may utilize additional personnel to assist with the enforcement including individuals with specialized technical training or experience necessary to evaluate the condition of Marihuana properties and determine compliance with this chapter.
- (4) By enacting this ordinance, the City of Negaunee does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of Federal Law. As of the date of the enactment of this ordinance, the use, possession, distribution, and sale of Marihuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

Sec 2 Definitions

"Accessory Building or Structure" means a subordinate building or portion of a main building or structure, the use of which is incidental to that of the main building or structure. The accessory building or structure shall be located on the same property as the main building or structure.

"Building" means any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

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

"Erected" means built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building. Excavations, fill, drainage and the like shall be considered part of erection.

"Industrial Zone" means the City's Industrial District

"Licensee" means any person holding a state license from the state of Michigan Marijuana Agency.

"Lot" means Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Zoning Code, and having its frontage upon a public street or any private way used for street purposes. "Lot" shall also mean a parcel of land.

"Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(2) industrial hemp; or

(3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

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

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

"Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

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

"Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

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

"Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

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

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

"MMFLA" means the MICHIGAN MEDICAL FACILITIES LICENSING ACT

"MRTRA" means the MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT

"Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.

"Municipality" means a city, village, or township.

"Person" means an individual, corporation, limited liability company, multi-level ownership enterprise, partnership of any type, trust, or other legal entity.

"Planning Commission" means The Planning Commission of the City of Negaunee.

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

"Residential One, R-1" means the City's Residential Single-Family District

"School" means any land owned by the Negaunee Public School District

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

"Structure" means anything constructed or erected, the use of which requires permanent location on the ground.

"Special Land Uses" Those uses of land which are essentially compatible with the uses permitted in a zoning district, but which possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

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

Sec – 3

Registration & Selection of Marihuana Establishments

1. Annual Registration of Marihuana Establishments in order to ensure compliance with this Code, MRTRA and the rules set forth by LARA.

2. Registration will be required after Special Land Use Permit has been reviewed by the Planning Commission and approved. Included in the Special Land Use permit application a copy of the proposed Marihuana Establishment Plan must be included.
3. Cost of registration shall be no more than \$5,000 and will be set by the City Council at an amount that will not be unreasonably impracticable and shall be established by council on the fee schedule.
4. The City will begin to accept applications on January 1, 2020
5. Upon denial or revocation of a State license for a Marihuana Establishment which has been issued a license under these regulations, the local license shall be revoked
6. If a State license is suspended or revoked by the State Licensing Authority, the Licensee shall immediately cease operation of the Marihuana Establishment in the City until the State license is re-instated during the term of a valid local license.
7. Municipal Licenses are nontransferable and will be active for one year and must be renewed no more than 90 days prior to expiration. Renewal Attestation of licensee must be submitted to Planning & Zoning Administrator.
8. The City will set up a selection process if multiple establishments apply for a limited number of establishments
9. Licenses for Microbusiness and Provisioning Centers are also limited by population. Licenses for Microbusinesses and Provisioning Centers are each limited to (1) License per every 2,500 City residents (e.g., 0 - 2500 residents = 1 Licenses available; 2501 - 5000 residents = 2 Licenses available; 5001 - 7,500 residents = 3 Licenses available; etc.). Grower, Transport, Processing Facility, and Safety Compliance Licenses are not subject to this population limitation.

Sec - 4 Minimum standards for basic equipment and facilities.

1. Except where the provisions expressly set forth in this ordinance are inconsistent with or differ from the MMFLA and MRTRA or the state administrative regulations promulgated pursuant thereto, all the provisions of the STATE CODE promulgated pursuant thereto, each as they are amended from time-to-time, are adopted herein by this reference and apply to all applications received and licenses issued by the City of Negaunee with respect to Marihuana establishments
2. Following all of the guidelines set forth within the MRTRA, MMFLA and the rules set by LARA
3. State License Pre-Qualification letter in hand before site plan review, as per Industrial zoning regulations no building, structure or accessory building shall be erected without prior approval of a site plan by the Planning Commission of the City of Negaunee

Sec – 5 Operation Limitations and Location Limitations

1. Recreational and Medical Marihuana Establishments shall only be allowed in the industrial zone.
2. No Medical or Recreational Marihuana Establishment shall be licensed to operate at a location that is within 1,000 feet from any school as “school” is defined in these regulations. The permissibility of a location for the Marihuana Establishment shall be determined at the time of the submittal of the first, completed application to the City.
3. Notwithstanding anything to the contrary herein, even if a Marihuana Establishment is located within an industrial zoned area such business must be no less than 250 feet from any Residential One Zone(R1)

4. The distances referred to in this Section 5:2,3 are to be computed by direct measurement from the nearest property line of the land used for the School or R1 to the nearest portion of the building in which Marihuana Establishments conduct their operations.
5. Regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
 - a. On site retail sales is limited to 8am to midnight

Sec - 6 Signage

1. All signage must also follow the Sign Ordinance #1286

Sec - 7

Fire safety.

1. Follow all guidelines set forth in the rules published by the State Licensing agency.

Sec - 8

Rules and regulations.

The administrator of planning and zoning is hereby empowered to promulgate such rules and regulations as shall be necessary for the enforcement of this chapter subject, however, to the approval of the City Manager. When the rules and regulations made hereunder have been adopted and promulgated by the administrator of planning and zoning and approved by the City Manager, they shall be deemed to be as complete and binding a part of this chapter as if the same were herein specifically set forth; and the violation of any of said regulations so adopted shall be deemed a violation of this chapter. Copies of such rules and regulations shall be placed on file in the office of the Planning and Zoning Administrator for inspection by interested parties by appointment.

Sec -10

Severability clause.

In the event that any provision(s) of this chapter shall be determined by future judicial decision to be invalid or unconstitutional, the remaining provisions of this chapter shall remain in full force and effect.