

VILLAGE OF DECATUR

ORDINANCE NO. 2019-001

AN ORDINANCE TO PROVIDE A TITLE FOR THE ORDINANCE; TO DEFINE WORDS; TO AUTHORIZE THE OPERATION OF AND PROVIDE REGULATIONS FOR MEDICAL MARIHUANA FACILITIES IN THE VILLAGE OF DECATUR PURSUANT TO PA 281 OF 2016, AS MAY BE AMENDED; TO PROVIDE FOR AN ANNUAL FEE; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.

THE VILLAGE OF DECATUR ORDAINS:

SECTION I - TITLE

This ordinance shall be known as and may be cited as the Village of Decatur Medical Marihuana Facilities Ordinance.

SECTION II - DEFINITIONS

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

SECTION III - AUTHORIZED MARIHUANA FACILITIES

1. The following medical marihuana facilities may be authorized to operate within the Village by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance.
 - A. Unlimited growers shall be authorized in the Village, which number shall include all of the following Class A, Class B and Class C growers authorized in the Village.
 1. Unlimited Class A growers (500 marihuana plants) may be permitted in the Village.
 2. Unlimited Class B growers (1,000 marihuana plants) may be permitted in the Village.
 3. Unlimited Class C growers (1,500 marihuana plants) may be permitted in the Village.
 - B. Unlimited processors shall be authorized in the Village.
 - C. Unlimited provisioning centers shall be authorized in the Village.
 - D. Unlimited safety compliance facility shall be permitted in the Village.
 - E. Unlimited secure transporters shall be permitted in the Village.
2. On and after October 1st, 2019, the Village shall accept applications for authorization to operate a medical marihuana facility within the Village. Application shall be made on a Village form and must be submitted to the Village Clerk and/or other designee of the Village Council (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the Village.
3. Within thirty days from conditional authorization by the Village or from October 1st, 2019, whichever is later, the conditionally authorized application must submit proof to the Clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted a full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.
4. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the

conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

5. A conditionally authorized applicant shall receive full authorization from the Village to operate the medical marijuana facility within the Village upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marijuana facility in the Village and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the facility within the Village.
6. If a conditionally authorized applicant fails to obtain full authorization from the Village within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein. The Village Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Village Council finding good cause for the extension.

SECTION IV - GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. An authorized medical marijuana facility shall only be operated within the Village by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
2. Prior to operating an authorized medical marijuana facility within the Village pursuant to a state operating license, the facility must comply with all applicable zoning regulations. The facility shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.
3. Prior to operating an authorized medical marijuana facility within the Village pursuant to a state operating license, the facility must comply with all Village construction and building ordinances, all other Village ordinances specifically regulating medical marijuana facilities, and generally applicable Village police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
4. An authorized medical marijuana facility shall consent to inspection of the facility by Village officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
5. If at any time an authorized medical marijuana facility violates this ordinance the Village Council may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Village authorization and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.
6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marijuana facility a vested right, license, privilege or permit to continued authorization from the Village for operations within the Village.
7. The Village expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized medical marijuana facilities authorized to operate within the Village.

SECTION V - ANNUAL MEDICAL MARIHUANA FACILITY FEE

There is hereby established an annual nonrefundable Village medical marijuana facility fee in the amount of \$5,000.00, for each authorized medical marijuana facility within the Village, to help defray administrative and enforcement costs associated therewith. An initial annual medical marijuana facility fee of \$5,000.00 shall be payable at the time of application for Village authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Village authorization to operate the medical marijuana facility.

SECTION VI - VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or

consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$250.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Village or by such other person (s) as designated by the Village Council from time to time.

SECTION VII - SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII - REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE

The Village Clerk of the Village of Decatur, Van Buren County, Michigan, shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect on the 1st of October, 2019.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan, on this 9th Day of September, 2019.

Ali Elwaer, Village President

Kim Babcock, Village Clerk & Treasurer

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 6th day of May 2019, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2019.

Kimberly Babcock, Village Clerk & Treasurer