

ORDINANCE#834  
CITY OF ALMA  
COUNTY OF GRATIOT, MICHIGAN

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE CITY OF ALMA, MICHIGAN AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE CITY OF ALMA ORDAINS:

**SECTION 1: TITLE**

This Ordinance shall be known and may be cited as the City of Alma Regulation of Recreational Marihuana Ordinance.

**SECTION 2: LEGISLATIVE INTENT**

The purpose of this Ordinance is to regulate recreational marihuana establishments, which include marihuana growers, marihuana safety compliance facilities, marihuana processors, marihuana microbusinesses, marihuana retailers, marihuana secure transporters, or any other type of recreational marihuana-related business licensed by the State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 and following.

The City finds that these activities 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 Ordinance to diminish, abrogate, or restrict the protections for recreational marihuana use found in the Michigan Regulation and Taxation of Marihuana Act.

**SECTION 3: DEFINITIONS AND CONFLICTS**

The following words and phrases used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

- (a) Words and phrases used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953 (hereafter, the "Act") as the same may be amended from time to time, which words and phrases are incorporated herein by reference.

- (b) **"Applicant"** means a person who applies for a state operating license. With respect to disclosures in an application, or for purposes of ineligibility for a license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.
- (c) **"City"** means the City of Alma
- (d) **"Commission"** means the City of Alma City Commission
- (e) **"Cultivate"** or **"Cultivation"** means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (f) **"Department"** means the Michigan Department of Licensing and Regulatory Affairs, or its successor agency.
- (g) **"Industrial hemp"** means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.
- (h) **"Licensee"** means a person holding a state license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953.
- (i) **"Marihuana"** means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
- (j) **"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.
- (k) **"Marihuana concentrate"** means the resin extracted from any part of the plant of the genus cannabis.
- (l) **"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.

(m) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments:

- 1) Class A – 100 marihuana plants;
- 2) Class B – 500 marihuana plants;
- 3) Class C – 2000 marihuana plants.

(n) "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.

(o) "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.

(p) "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.

(q) "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.

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

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

(t) "Municipal license" means a license issued by the City of Alma that allows a person to operate a recreational marihuana establishment in the City of Alma.

(u) "Municipality" means the City of Alma.

(v) "Outdoor grow" means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

- (w) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (x) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
- (y) "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.
- (z) "Rules" mean rules promulgated by the Department in consultation with the State of Michigan to implement the Michigan Regulation and Taxation of Marihuana Act, or this ordinance.
- (aa) "School" means a public or private licensed pre-school, or a public, private, or charter elementary, middle, junior high, or high school, vocational school, secondary school, community college, or other institution of higher education.
- (bb) "Secure transporter" means a licensee that is a commercial entity that stores marihuana and transports marihuana between marihuana facilities for a fee.
- (cc) "State license" means a license issued by the department that allows a person to operate a recreational marihuana establishment.
- (dd) "Statewide Monitoring System" or, unless the context requires a different meaning, "System" means an internet based, statewide data base established, implemented, and maintained by the Department under the Marihuana Tracking Act that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24 hours basis for all of the following:
  - 1. Verifying registry identification cards;
  - 2. Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price
- (ee) "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.
- (ff) "Usable marihuana" means the dried leaves, flowers, plant resin or extract of the marihuana plant, but does not include the seeds, stalks, and roots of the plant.

#### **SECTION 4: AUTHORIZATION OF MARIHUANA ESTABLISHMENT AND FEE**

- A. The City hereby authorizes, subject to the issuance of a municipal license by the Local Licensing Authority, the following marihuana establishments within the boundaries of the City, as are authorized pursuant to section 6.1. of the MRTMA.
- B. The marihuana establishments and the number authorized pursuant to this Ordinance are:

Type of Establishment

Marihuana Grower (2)

Marihuana Processor (2)

Marihuana Retailer (3)

Marihuana Safety Compliance Establishment (2)

Marihuana Secure Transporter (2)

- C. This ordinance prohibits Designated Consumption Establishments and Marihuana Events from operating in the City of Alma.
- D. A nonrefundable municipal license application fee shall be paid by each marihuana establishment applying to be licensed under this ordinance in the amount of \$1,500.00. The municipal license fee is in addition to any other fees required, including, but not limited to, zoning fees.
- E. The municipal license fee is \$5,000. All municipal licenses are effective for one (1) year. Should the City grant a marihuana establishment a municipal license, the municipal license application fee shall be considered toward the \$5,000 municipal license fee for the first year. Prior to the expiration of the first year of the license, the licensee may apply for an extension/renewal of the municipal license for an additional one-year period at a nonrefundable fee of not more than \$5,000 as set by resolution of the City Commission to defray the administrative and enforcement costs of the City associated with the operation of the licensed marihuana establishment.

#### **SECTION 5: COMPOSITION OF LOCAL LICENSING AUTHORITY**

- A. The Alma City Commission is designated as the local licensing authority. The City Commission may by resolution delegate its authority or a portion of such authority to a new committee or other designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Michigan Regulation and Taxation of Marihuana Act ("MRTMA") in this Ordinance to grant or deny application described in this Ordinance and to levy penalties against the licensee in the manner provided by law.

- B. The local license authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, changes in trade name, and any other appropriate application.
- C. The local license authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority. The local license authority shall have the power to require any application or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this Ordinance.

#### **SECTION 6: PERMITTED LOCATIONS**

- A. All recreational marihuana establishments shall be issued for a specific location which shall be designated as a licensed premises.
- B. All recreational marihuana establishments are considered a special use under the City of Alma Zoning Ordinance.
- C. All recreational marihuana establishments must be located within the applicable zoning district for each type of establishment, pursuant to the City of Alma Zoning Ordinance.
- D. Recreational marihuana establishments shall not be permitted in any district zoned exclusively for residential use.

#### **SECTION 7: BUFFERING REQUIREMENTS**

Marihuana establishments shall be located a minimum of Five Hundred (500) feet from public or private elementary, secondary, or vocational schools, as measured "door to door" to the entrance of the school from the entrance of the licensed facility's structure.

#### **SECTION 8: REQUIREMENTS AND PROCEDURE FOR ISSUING A MUNICIPAL LICENSE**

- A. No person shall be issued a municipal license by the City without first having obtained from the City of Alma Planning Commission a recommendation to the City Commission, to issue a Special Use Permit authorizing the operation of the establishment pursuant to the City of Alma Zoning Ordinance, and a Special Use Permit from the City Commission authorizing said use.
- B. No elected official or person who is employed by the City acts as a consultant for the City or acts as an advisor to the City, and is involved in the implementation, administration or enforcement of this Ordinance shall have an interest, directly or indirectly, in a Marihuana Establishment in the City of Alma.
- C. Maintaining a valid license issued by the state is a condition for the maintenance of a license under this ordinance and continued operation of a marihuana establishment.

D. Every applicant for a municipal license to operate a marihuana establishment shall file an application in the City **Manager's** office upon a form provided by the City. The Act in Section 9. 4. (MCL 333.27959 4.) requires that the City establish a competitive process to select applicants who are best suited to operate in compliance with the Act and this Ordinance. Pursuant to this requirement the City requires that applicants submit an application which shall include:

1. The appropriate nonrefundable municipal license application fee in the amount determined by the City;
2. If the applicant is an individual, the **applicant's** name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers;
3. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
4. A signed release authorizing the City of Alma to perform a criminal background check, for a fee established by the City Commission, to ascertain whether the applicant, each stakeholder of the applicant, meets the criteria set forth in this Ordinance.
5. The name and address of the proposed marihuana establishment;
6. One of the following: (a) proof of ownership of the entire premises wherein the marihuana establishment is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;
7. Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana establishment;
8. A copy of the Special Use Permit issued by the City of Alma City Commission;
9. Proof of a State issued Certificate of Prequalification Status;
10. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (door-to-door to the subject

marihuana **establishment's** building) to the closest real property comprising a public or private elementary, vocational, or secondary school, college;

11. 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 into the sewerage system is prohibited;
12. A business plan which contains, but is not limited to, the following:
  - i. The **applicant's** expertise in operating other similarly permitted or licensed businesses and the **applicant's** general business management experience, including but not limited to, the following:
    - Examples of community involvement and/or outreach with respect to said other businesses;
    - Description of the training of employees with respect to said other licensed businesses;
    - Process for screening potential employees with respect to other similarly licensed businesses;
  - ii. An estimate of the number and type of jobs that the marihuana establishment is expected to create and the amount and type of compensation expected to be paid for such jobs
  - iii. The proposed ownership structure of the establishment, including percentage ownership of each person or entity;
  - iv. A current organizational chart that includes position descriptions and the names of each person holding each position;
  - v. Planned tangible capital investment in the City, including if multiple licenses are proposed, an explanation of the economic benefits to the City and job creation, if any, to be achieved through the award of such multiple licenses, with supporting factual data;
  - vi. If a Marihuana Grower Establishment is proposed, the number of plants anticipated;
  - vii. Financial structure and financing of the proposed marihuana establishment(s);
  - viii. Community outreach/education plans and strategy;
  - ix. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse



against the City, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees. that the applicant may incur as a result of the violation by the applicant, its Stakeholders and agents of those laws, rules, and regulations; and

- x. Proof of Insurance. A licensee shall at all times maintain in full force and effect for the duration of the license, workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued from a company license to do business in Michigan having an AM Best rating of at least A-. A licensee shall provide proof of insurance to the City Clerk in the form of a Certificate of Insurance evidencing the existing of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy. The policy number, and the names of the additional insureds. The policy shall name the City of Alma and its officials and employees as additional insureds to the limits required by this section. The licensee or its broker shall notify the City of any cancellation or reduction in coverage within seven (7) days of receipt of the insurer's notification to that effect. The licensee, permittee or lessee shall forth with obtain and subject proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.
- xi. Whether the applicant has ever applied for or has been granted any commercial license or certificate issues by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement described the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or non-renewal, including the licensing authority, the date each action was taken, and the reason for each action.
- xii. Any other information which may be required by the City Manager.

E. Upon an **applicant's** completion of the above-described form and furnishing of all required information and documentation, and confirmation that the number of existing licenses does not exceed the maximum number established in Section 4B, above, the City Manager shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance. The City Manager shall convey to the Local Licensing Authority the application and set up a meeting to review the issuance of the municipal license. This shall take place no later than at the next regularly scheduled City Commission meeting, so long as the application and all relevant documents are received three weeks prior to the next meeting.

## **SECTION 9: LICENSE APPLICATIONS EVALUATION**

- A. The City Commission shall assess all applications referred to by the City Manager.
- B. In its application deliberations, the City Commission 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 marihuana establishment of the applicant.
  - 5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
  - 6. Whether the applicant or stakeholder is currently under indictment for or has been arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, a felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.
  - 7. Whether the applicant or stakeholder 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.
  - 8. Whether the applicant or stakeholder has a history of non-compliance with any regulatory requirements in this state or any other jurisdiction.
  - 9. As it relates to the operation of a marihuana retailer, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed retail center.
- C. The City Commission shall assess each application with aforementioned categories under the aforementioned categories and may issue a license to the applicant if an applicant has satisfactorily met all requirements.
- D. Section 9.4 (MCL 333.27959 of the MRTMA requires that the City establish a competitive process to select applicants who are best suited to operate in compliance with the MRTMA and this Ordinance, when the City receives more applications for a particular type of license, then there are licenses available. The process that the City will use in scoring and ranking applications in competition, shall be detailed in the City's Marihuana Business Scoring and Ranking Policy.
- E. In the event there are more qualified, completed, competitive applications than the number of licenses available for an allowed establishment as defined in section 4B, and after evaluating those establishments as called for in this section, the City Commission is unable to rate one (1) of the applicants over another, the City Commission will hold a qualified lottery among those applicants, and then selecting the recipient of the available license by way of a random drawing.

## **SECTION 10: DENIAL OF APPLICATION**

- A. The City Clerk shall reject any application that does not meet the requirements of the Michigan Regulation and Taxation of Marihuana Act, or this chapter. The City Clerk shall reject any application that contains any false, misleading or incomplete information.
- B. An applicant is ineligible to receive a license under this chapter if any of the following circumstances exist regarding a true party of interest of the applicant:
  - 1. 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 ten (10) years or conviction of a controlled substance related felony within the past ten (10) years.
  - 2. Within the past five (5) years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.
  - 3. If the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.
  - 4. The applicant fails to meet any other criteria established by a state issued rule.

## **SECTION 11: LICENSES GENERALLY**

- A. To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et. seq.
- B. Upon successful selection from the local licensing authority, the **applicant's** license is conditional upon successfully obtaining their State license, within the time frame allotted for obtaining same in the Michigan Regulation and Taxation of Marihuana Act, specifically MCL 333.2795, as amended. If the licensee is unable to furnish a State license within that time frame, they risk losing their municipal license.
- C. Licensees may transfer a license issued under this Ordinance to a different location upon receiving written approval from the City and provided that the licensee holds a special use permit for the new location. In order to receive approval to transfer a license location, the licensee must make a written request to the City, indicating the current license location and the proposed license location, upon receiving the written request, the City shall refer a copy of the written request to the City Commission for their approval. No License transfer shall be approved unless the Licensee and the proposed License location meet the standards identified in this Ordinance. A license transfer fee

shall be established by the City Commission through resolution.

- D. Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval by the City. 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, indicating the current licensee and the proposed licensee including proof that the proposed licensee has obtained a Certificate of Pre-Qualification Status from the State of Michigan. Upon receiving the written request, the City shall consider the request as a new application for a license. A license transfer fee shall be established by the City Council through resolution.
- E. Applicants cannot transfer their application to a different individual or entity.
- F. Licensees shall report any other change in the information required by this Ordinance to the City within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.
- G. The possession of a municipal license under this ordinance does not constitute a property right

## **SECTION 12: MINIMAL OPERATIONAL STANDARDS OF RETAIL CENTERS**

The following minimum standards for retail centers shall apply:

- A. No retail center shall be open to the public between the hours of 9:00 PM and 8:00 AM.
- B. Consumption of marihuana shall be prohibited in the retail center, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- C. Retail 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. The public or common areas of the retail center must be separated from restricted or non-public areas of the marihuana establishment.
- E. All marihuana storage areas within the retail center must be separated from any customer areas by a permanent barrier. Marihuana may be displayed in a sales area.
- F. Any usable marihuana remaining on the premises of a retail center while the retail center is not in operation shall be secured from the public.

- G. Drive-through window on the premises of a retail center shall not be permitted.
- H. Retail center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises, except that employees of the retail center may use tobacco products outside the enclosed building, if same is otherwise allowable pursuant to either State law or City Ordinance.
- I. No retail center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors in a detectable amount sufficient to interfere with the reasonable and comfortable use of enjoyment of adjacent property as determined by the objective standards of reasonable person of normal sensitivity.
- J. The license required by this Ordinance shall be prominently displayed on the premises of a marihuana establishment.
- 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 shall be packaged and labeled as provided by state laws.
- M. The premises shall be open, at all times, to any Michigan Licensing Board investigators, agents, auditors, or 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 non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
  - 1. To inspect and examine all premises of the marihuana establishment.
  - 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, the investigator may 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 as well as any other property.
  - 3. To inspect the person and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
  - 4. To investigate alleged violations of the MRTMA or applicable state laws.
- N. It shall be prohibited to display any signs that are inconsistent with local laws or

regulations or state law.

- O. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- P. It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.
- Q. No licensed marihuana establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium within five hundred feet of the real property comprising a public or private elementary, vocational, or secondary school.
- R. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.
- S. No marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.
- T. No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995)
- U. A marihuana establishment may not allow, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

### **SECTION 13: 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 MRTMA 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, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or 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 non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of the marihuana establishment;

- b. 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, the investigator may 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 as well as any other property;
  - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment;
  - d. To investigate alleged violations of the MRTMA or applicable state laws.
- C. Any grower facility shall maintain a logbook and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the MRTMA.
- 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 storing any chemicals such as herbicides, pesticides, and fertilizers shall be in compliance with all applicable statutes, codes and Ordinances;
- 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:
  - a. Maintaining adequate personal cleanliness;
  - b. 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;
  - c. 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 shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marihuana is exposed.

- J. Floors, walls, and ceiling 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 of 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 of any kind;
- P. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.
- Q. A marihuana establishment may not allow cultivation of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- R. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

#### **SECTION 14: 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 MRTMA and 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 MRTMA Licensing Board investigators, agents, auditors, or 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 non-compliance with the MRTMA or applicable state laws is likely to be



found and consistent with constitutional limitations, for the following purposes.

- a. To inspect and examine all premises of marihuana establishment.
  - b. 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, the investigator may 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 as well as any other property.
  - c. To inspect the person and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
  - d. To investigate alleged violations of the MRTMA or applicable state laws.
- D. Any Safety Compliance Facility shall maintain a logbook and/or database which complies with the MRTMA or applicable state laws.
- E. All marihuana shall be contained within the building in an enclosed locked facility in accordance with the MRTMA, as amended, 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 shall be 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 be 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.
- M. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

## **SECTION 15: 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 MRTMA, 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 MRTMA Licensing Board investigators, agents, auditors, or 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 non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of the marihuana establishment;
  - b. To inspect, examine, and audit relevant records of the licensee and, of the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may 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 as well as any other property;
  - c. To inspect the person and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
  - d. To investigate alleged violations of the MRTMA or applicable state laws.
- E. Any processor facility shall maintain a logbook and/or database which complies with the MRTMA, as amended, or applicable state laws.
- F. All marihuana shall be tagged as required by the MRTMA or applicable state laws.
- G. All marihuana shall be contained within the enclosed locked facility in accordance with the MRTMA, 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 is located shall be subject to all applicable statutes, codes, and Ordinances.
- 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 practice while on duty, including but not limited to:
  - a. Maintaining adequate personal cleanliness;
  - b. 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;
  - c. 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 of 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.
- R. Processor facility shall be free from infestation by insects, rodents, birds, or vermin of 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.

- U. A marihuana establishment may not allow the processing of marihuana to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- V. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

#### **SECTION 16: MINIMUM OPERATIONAL STANDARDS OF SECURE TRANSPORTER**

The following minimum standards for secure transporters shall apply:

- A. The secure transporter shall comply at all times with the MRTMA 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 a storage facility of a Secure Transporter.
- C. Storage of marihuana by a secure transporter shall comply with the following:
  - a. The storage facility shall be continuously monitored with a surveillance system that includes security cameras. The video recording shall be maintained in a secure, off- site location for a period of fourteen (14) days;
  - b. The storage facility shall not be used for any other commercial purpose;
  - c. The storage facility shall not be open or accessible to the general public;
  - d. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and Ordinance;
  - e. The storage facility shall be open at all times to any MRTMA Licensing Board investigator or police officers, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:
    - i. to inspect and examine all premises of the marihuana establishment;
    - ii. to inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may 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 as well as any other property;
- iii. to inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder or state operating license while that person is present in a marihuana establishment;
- iv. to investigate alleged violations of the MRTMA or applicable state laws.
- f. All marihuana stored within the facility shall be stored within enclosed locked facilities in accordance with the MRTMA as amended.
- g. All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:
  - i. maintaining adequate personal cleanliness;
  - ii. washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - iii. refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- D. A secure transporter licensee and each stakeholder shall not have an interest in another marihuana establishments.
- E. A secure transporter licensee cannot hold title marihuana.
- F. A secure transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
- G. A secure transporter shall comply with all of the following:
  - a. Each driver transporting marihuana must have a chauffeur's license issued by the state.
  - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years or have been convicted of a misdemeanor involving a controlled substance with the past five (5) years.
  - c. Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.
  - d. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law

- enforcement officer upon request.
- e. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
  - f. A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana infused product.
- H. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with all state and local laws, rules, regulations, and Ordinances.
- I. No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

### **SECTION 17: REVOCATION**

A. A license issued under this Ordinance may be revoked after an administrative hearing at which the City Commission by majority vote of the members present determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of license at least five days prior to the date of the hearing, by first class mail to the address given on the license application; a licensee whose license is subject of such Hearing may present evidence and/or call witnesses at the Hearing.

B. A license applied for or issued under this Ordinance may be revoked on any of the following basis:

1. Violation of this Ordinance;
2. Any Conviction of delivery of a controlled substance to a minor;
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 Ordinance 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 Ordinance and the rules and regulations governing the MRTMA and the State of Michigan;
5. The marihuana establishment is determined by the Alma City Commission to have become a public nuisance;
6. The State of Michigan Licensing Board has denied, revoked, or suspended the applicant's state license.

### **SECTION 18: PENALTIES AND DISCIPLINE**

A. Any person in violation of any provision of this Ordinance or any provision of a license issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to \$500.00 plus cost of prosecution or each violation. This section is not intended to prevent enforcement of any provision of the State law by law enforcement agencies of

competent jurisdiction.

B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City may bring an Action for an injunction or other process against a Licensee to restrain, prevent, or abate any violation of this Ordinance.

C. The Alma City Commission may temporarily suspend a marihuana establishment license without a hearing if the Alma City Commission finds that public safety or welfare requires emergency action. The Alma City Commission shall cause the temporary suspension by issuing a Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing.

D. If the Alma City Commission temporarily suspends a license without a hearing, the holder of the 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.

E. If the Alma City Commission does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated, and the suspension vacated.

## **SECTION 19: SEVERABILITY**

In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

## **SECTION 20: REPEAL**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. By way of example and not limitation, City of Alma Ordinance No. 808 and Section 30-130 "Recreational Marihuana Establishments Prohibited" are each hereby repealed.

## **SECTION 21: EFFECTIVE DATE**

This Ordinance shall take effect fifteen (15) days from the date of its publication, and only if an Ordinance is adopted by the Alma City Commission amending the Zoning Ordinance to permit recreational marihuana facilities in the City of Alma. All ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

Adopted and passed by the Alma City Commission on the 27th day of December 2022.  
Signed this 27<sup>th</sup> day of December 2022.

\_\_\_\_\_  
s/Greg Mapes  
Greg Mapes, Mayor

\_\_\_\_\_  
s/Sara Anderson  
Sara Anderson, Clerk