

**CITY COUNCIL
CITY OF GREENVILLE
Montcalm County, Michigan**

Councilmember Moss, supported by Councilmember Cunliffe, moved the adoption of the following ordinance:

ORDINANCE NO. 24-11

AN ORDINANCE TO AMEND SECTION 10-223, 10-224, 10-225 and 10-227 OF DIVISION II, ARTICLE V, CHAPTER 10, OF THE CODE OF THE CITY OF GREENVILLE IN ORDER TO ALLOW AND REGULATE MARIHUANA RETAIL ESTABLISHMENTS.

THE CITY OF GREENVILLE ORDAINS:

Section 1. Amendment. Section 10-223 of Division II, “Adult Use Marihuana Establishments,” Article V, “Marihuana Business,” Chapter 10, “Businesses,” of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 10-223. - Definitions.

This article contains some words and phrases that are defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA); the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., as amended (MMFLA); the Michigan Medical Marihuana Act, 2008, IL1, MCL 333.26421 et seq., as amended (MMMA); the Marihuana Tracking Act, MCL 333.27901 et seq.; as amended (MTA); or in the rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs (LARA). As used in this Article, they have the same meaning as provided in the MRTMA, MMFLA, MMMA, the MTA, or rules promulgated by LARA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MRTMA, MMFLA, the MMMA, the MTA, or by the rules promulgated by LARA, then the definition in the MRTMA, MMFLA, the MMMA, the MTA, or the rules promulgated by LARA shall apply. These words and phrases are as follows:

Applicant unless specifically stated to mean the person or entity applying for a state operating license, means an individual, organization, partnership, company, corporation enterprise, or other entity that applies for a municipal license.

Authorized person means:

- (1) The directors, officers, members, partners, and individuals of an adult use marihuana establishment that is a corporation, limited liability company, partnership, or sole proprietorship;
- (2) Any person who is in charge of and on the premises of the adult use marihuana establishment during business hours.

City means the City of Greenville, Michigan.

Department means the department of licensing and regulatory affairs.

Excess marihuana grower means a license issued to a person holding five class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Co-located or co-location means marihuana businesses holding two or more types of state operating licenses under the MRTMA and MMFLA operating within a single location.

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

Designated consumption establishment means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

Equivalent licenses means any of the following held by a person:

- (1) Grower license of any class issued under the Michigan Regulation and Taxation of Marihuana Act and a Grower license, of any class, issued under the Medical Marihuana Facilities Licensing Act.
- (2) A processor license issued under the Michigan Regulation and Taxation of Marihuana Act and a processor license issued under the Medical Marihuana Facilities Licensing Act.
- (3) A marihuana retailer license issued under the Michigan Regulation and Taxation of Marihuana Act and a provisioning center license issued under the Medical Marihuana Facilities Licensing Act.
- (4) A secure transporter license issued under the Michigan Regulation and Taxation of Marihuana Act and a secure transporter license issued under the Medical Marihuana Facilities Licensing Act.
- (5) A marihuana safety compliance facility establishment license issued under the Michigan Regulation and Taxation of Marihuana Act and a safety compliance facility license issued under the Medical Marihuana Facilities Licensing Act.

Grower means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana to sell or otherwise transfer marihuana to marihuana establishments.

- (1) *Class A grower* means a grower of not more than 100 marihuana plants.
- (2) *Class B grower* means a grower of not more than 500 marihuana plants.
- (3) *Class C grower* means a grower of not more than 2,000 marihuana plants.

Licensee means a person holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA).

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

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 business means a marihuana establishment under the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA), or a marihuana facility under the Michigan Medical Marihuana Act, 2008, IL1, MCL 333.26421 et seq., as amended (MMA) or both.

Marihuana concentrate means the resin extracted from any part of the plant of the genus cannabis.

Marihuana establishment means a location at which a license holder is licensed to operate under the MRTMA, including a marijuana grower, marijuana processor, marijuana secure transporter, marijuana

safety compliance facility establishment, marihuana retailer, or any other type of marihuana-related business licensed by the Cannabis Regulatory Agency.

Marihuana event organizer means a person licensed to apply for a temporary marihuana event license under these rules.

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 establishments, but not to other marihuana establishments.

Marihuana plant means any plant of the species *Cannabis sativa* L.

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 Tracking Act means the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 to 333.27904 (MTA).

Medical Marihuana Facilities Licensing Act means the Medical Marihuana Facilities Licensing Act MCL 333.27101 et seq., as amended (MMFLA).

Michigan Medical Marihuana Act means the Michigan Medical Marihuana Act, 2008, IL1, MCL 333.26421 et seq., as amended (MMA).

Michigan Regulation and Taxation of Marihuana Act means the Michigan Regulation and Taxation of Marihuana Act 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA).

Municipal license means a current and valid license for a marihuana establishment issued under this article, which shall be granted to a municipal license holder only for, and limited to, a specific municipally-licensed premises and a specific municipally licensed property. Said municipal license shall be in addition to the special land use approval and site plan approval required to be obtained pursuant to the requirements of the City of Greenville Zoning Ordinance.

Municipal license holder or, unless the context requires a different meaning, means a person, an individual, organization, partnership, company, corporation, enterprise, or other entity that holds a current and valid municipal license issued under this article, that allows the municipal license holder to operate as one of the following adult use marihuana establishments, specified in the license:

- (1) A grower.
- (2) A processor.
- (3) A secure transporter.
- (4) A retailer.
- (5) A safety compliance facility establishment.

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

Plant means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

Processor means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a marihuana retailer.

Provisioning center means a medical marihuana licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this article.

Rules means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, by the department of licensing and regulatory affairs to establish rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended.

Safety compliance facility establishment means a licensee that is a commercial entity that receives marihuana from a marihuana establishment or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana establishment.

Same location means separate marihuana licenses that are issued to multiple marihuana businesses that are authorized to operate at a single property but with separate business suites, partitions, or addresses.

School means and includes buildings and facilities used for school purposes for children and youth in preschool, or in grades pre-kindergarten through 12, or where students of any age attend an educational facility for non-traditional or special needs learners, or Head Start, when that instruction or purpose is provided by a public, private, denominational, or parochial school and buildings used for intermediate school district instruction when that instruction or purpose is provided by a public, private, denominational, or parochial school. School also means any property owned or leased by a public, private, denominational, or parochial school, including buildings, fields, or other property.

Secure transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana and currency between marihuana facilities or establishments for a fee.

Stacked license means more than one state license issued to a single licensee to operate as a class C marihuana grower as specified in each state license at a marihuana establishment.

State operating license or, unless the context requires a different meaning, *license* means a license that is issued under the Michigan Regulation and Taxation of Marihuana Act 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA) that allows the licensee to operate as one of the following, specified in the license:

- (1) A grower.
- (2) A processor.
- (3) A secure transporter.
- (4) A retailer.
- (5) A safety compliance facility establishment.

Section 2. Amendment. Section 10-224 of Division II, "Adult Use Marihuana Establishments," Article V, "Marihuana Business," Chapter 10, "Businesses," of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 10-224. - Marihuana establishments authorized.

(a) The city hereby authorizes the operation of the following types of marihuana establishments only:

- (1) Growers, class A;
- (2) Growers, class B;
- (3) Growers, class C;
- (4) Processors;
- (5) Safety compliance facility establishments;
- (6) Secure transporters;
- (7) Retailers;

(b) There is no cap on the number of municipal licenses that may be issued provided that all other provisions of the City of Greenville Code of Ordinances, including the Zoning Ordinance, are complied with.

(c) Marihuana growers, processors, secure transporters, and safety compliance facility establishments shall only be allowed in the Industrial Zoning District and the Industrial Park Zoning District per the City of Greenville Zoning Ordinance.

(d) Marihuana retailers shall only be allowed in the North Lafayette District per the City of Greenville Zoning Ordinance.

Section 3. Amendment. Section 10-225 of Division II, "Adult Use Marihuana Establishments," Article V, "Marihuana Business," Chapter 10, "Businesses," of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 10-225. - Prohibition of special licenses and microbusinesses.

(a) No marihuana establishments are allowed nor shall a municipal license be considered or granted for those activities and establishments defined as a "special license" being a state license described under section 8 of the MRTMA and issued by the state pursuant to section 9 of the MRTMA, MCL 333.2795 and 333.27959, as may be amended, including, but not limited to, designated consumption establishment, excess marihuana grower, marihuana event organizer, temporary marihuana event, marihuana educational research facility, and any special or other license types hereafter recognized by the state.

(b) A marihuana microbusiness as defined in MRTMA shall be prohibited within the city.

Section 4. Amendment. Section 10-227 of Division II, "Adult Use Marihuana Establishments," Article V, "Marihuana Business," Chapter 10, "Businesses," of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 10-227. - General provisions.

(a) A municipal license issued under this article is valid only for the location of the establishment and type of establishment that is listed on the municipal license application and is valid only for the operation of the establishment at that location by the municipal license applicant.

(b) A municipal license issued under this article is valid only if the municipal license holder also holds a valid current state operating license; a copy of the valid current state operating license has been provided to the city clerk by the license holder; and the municipal license holder is in compliance with all other requirements in this article.

(c) Any combination of marihuana establishments may operate as separate marihuana establishments at the same location provided each marihuana establishment use is approved as a special land use; the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA); and all rules

- promulgated by the Michigan Licensing and Regulatory Affairs Department, including, but not limited to, requirements for partitioned establishments, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations. Each marihuana establishment operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous.
- (d) One or more owners may own marihuana establishments at the same location; one or more licensees may be licensed to operate marihuana establishments at the same location.
 - (e) Marihuana establishments may be permitted in a structure that contains multiple tenants, provided the marihuana establishment use is approved as a special land use; meets all applicable occupancy restrictions; and that the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including, but not limited to, security. Marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling.
 - (f) Buffering requirements shall be as required by the City of Greenville Zoning Ordinance.
 - (g) A licensee that has any combination of marihuana licenses may operate separate marihuana businesses at the same location, provided each business is permitted in the zoning district in which the marihuana business is proposed. A stacked license is considered a single marihuana business for the purposes of operation at the same location; however, a stacked license shall not be considered a single marihuana establishment for the purposes of the annual fee required to be paid to the city.
 - (h) A laboratory licensed as a marihuana safety compliance facility establishment may be co-located with an existing accredited laboratory that is not a licensed safety compliance facility establishment with approval by the agency according to criteria required by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and Rules.
 - (i) A grower establishment and a processor establishment shall not be prohibited from operating within a single facility or from operating at a location shared with a medical marihuana facility operating pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).
 - (j) A person who holds equivalent licenses with common ownership as defined herein, may operate those equivalent licenses at the same location, according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended (MRTMA) and rules, and in accordance with this chapter.
 - (k) A person who holds equivalent licenses with common ownership under the Acts, and operates at the same location, is not required to have any of the following:
 - (1) Separate business suites, partitions, or addresses.
 - (2) Separate entrances and exits.
 - (3) Distinct and identifiable areas with designated structures that are contiguous and specific to the state license and the state operating license.
 - (4) Separate point of sale area and operations.
 - (l) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to a municipal license issued by the city.

- (m) The expiration date of the state operating license that corresponds to a municipal license issued under this article constitutes the expiration date of the municipal license, regardless of the date of approval of the municipal license. However, operation of the establishment under the expired municipal license may be permitted at the discretion of the city only to the extent that operation under the expired state operating license is permitted by law.
- (n) The municipal license issued under this article shall be prominently displayed at the municipally-licensed premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
- (o) Approval of a municipal license by the city under this article constitutes consent by the municipal license holder, owners, managers and employees to permit the city manager or designee to conduct inspections of the establishment to ensure compliance with this article. Approval of a municipal license, special land use, and site plan shall be conditioned upon the satisfactory inspection by all city officials as applicable.
- (p) A municipal license granted by this article is a revocable privilege granted by the city and is not a property right. granting a municipal license does not create or vest any right, title, franchise, or other property interest. Each municipal license is exclusive to the municipal license holder.
- (q) A municipal license holder or any other person or entity must apply for and receive the city's approval before a municipal license is transferred, sold, or purchased. A municipal license holder or any other person or entity shall not lease, pledge, or borrow or loan money against a municipal license. The attempted transfer, sale, or other conveyance of an interest in a municipal license without prior city approval is grounds for suspension or revocation of the municipal license or for other sanction considered appropriate by the city.
- (r) A change in the municipal license holder for a marihuana establishment, or a change in the licensee of a state operating license for an approved marihuana establishment shall only be permitted as regulated herein.
- (s) The city manager is granted the power and duty to fully and effectively implement and administer the municipal license application process and issuance of municipal licenses issued by the city under this article.
- (t) A municipal license holder may not engage in any other marihuana establishment in the municipally-licensed premises or on the municipally-licensed property, or in its name at any other location within the city, without first obtaining a separate municipal license.

Section 5. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City within 10 days of its adoption, and shall be effective 15 days after its adoption provided it has been published.

YEAS: (5) Councilperson Barrus, Cunliffe, Johnson, Linton, and Moss

NAYS: (1) Councilperson Lehman

ABSTAIN: (0)

ABSENT: (1) Councilperson Scoby

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

As the duly appointed and acting City Clerk, I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Greenville, Montcalm County, Michigan, at a regular meeting held on July 16, 2024.

Krissi Brott, City Clerk

Introduced: June 18, 2024
Adopted: July 16, 2024
Published: July 23, 2024
Effective: July 31, 2024