

**CITY OF MUSKEGON HEIGHTS
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

**AN ORDINANCE TO REGULATE MEDICAL MARIHUANA FACILITIES
IN THE CITY OF MUSKEGON HEIGHTS.**

Ordinance #19-634

THE CITY OF MUSKEGON HEIGHTS ORDAINS:

Section 1: Introduction

An Ordinance to create Chapter 88 “Medical Marihuana Facilities” of the City of Muskegon Heights Code of Ordinances; To provide for the regulation and licensing of medical marihuana establishments; To establish and provide for a Medical Marihuana Application Procedure; To set licensing fees for the purpose of defraying the costs associated with the implementation and enforcement of the provisions of the chapter and to provide penalties for violations of the chapter.

Section 2 (a): This Ordinance repeals Chapter 87 of the City of Muskegon Heights Code of Ordinances, adopted April 23, 2018.

(b): An Article I “In General; Definitions” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-1 Purpose and Intent.

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the City of Muskegon Heights and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; to establish and provide for a Medical Marihuana Application Procedure; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Muskegon Heights through imposition of an annual, nonrefundable fee set by the Medical Marihuana Licensing Board. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act (herein referred to as MMFLA), MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance

with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.

- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 88-2 Conflict.

Nothing in this Ordinance shall be construed to conflict with the existing Muskegon Heights Code of Ordinances except as otherwise stated herein.

Section 88-3 Definitions and Interpretations.

1. For the purposes of this ordinance:
 - a. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
 - b. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act. There are many ways other than those outlined in this sample for a police power ordinance to address the issues regarding medical marihuana facilities. It is intended to be adopted with zoning ordinance amendments to regulate the location of the facilities and establish standards for approval.
 - c. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
 - d. All activities related to medical marihuana and the facilities described and regulated shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the City of Muskegon Heights and the Medical Marihuana Facilities Licensing Act (MMFLA).
2. The following terms shall have the definitions given:
 - a. "Act" means Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act.

- b. “Applicant” means a person who applies for a Permit under this Article. If an entity applies for a Permit, the term includes an officer, director, or managerial employee of the entity when appropriate.
- c. “Building” means any independent, enclosed structure having a roof supported by columns or walls. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures. A building does not include such structures with interior areas not normally accessible for human use, such as smoke stacks, tanks, or similar structures.
- d. “City” means City of Muskegon Heights, Michigan.
- e. Class C means not more than 1500 plants.
- f. “Council” means the City Council which also includes the Mayor of Muskegon Heights, Michigan.
- g. “Cultivation” or other forms of the word as used in this ordinance, means all phases of growth of marihuana from seed to harvest for sale to a medical marihuana provisioning center or processor.
- h. “Disqualifying Criminal History” means applicant has 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 within the past five (5) years; or has been convicted of a misdemeanor involving a controlled substance, theft dishonest, or a fraud in any state within the past five (5) years; or has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States (federal law) within the past ten (10) years or has been convicted of a controlled substance-related felony within the past ten (10) years.
- i. “Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- j. “License” means a current and valid License for a Medical Marihuana Facility issued by the State of Michigan.
- k. “Licensee” means a person who holds a current and valid Michigan state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- l. “Marihuana” means that term as defined in Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL

333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq. “Marihuana Facility” means a location at which a Permit holder is licensed to operate under the MMFLA.

- m. “Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any useable marihuana that is intended for human consumptions in a manner other than smoke inhalation.
- n. “Medical Marihuana Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- o. “Medical Marihuana Processor” means a licensee that is a commercial entity located in Michigan 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 provisioning center.
- p. “Medical Marihuana Provisioning Center” means a licensee that is a commercial entity located in Michigan 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 in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
- q. “Medical Marihuana Safety Compliance Facility” means a licensee that is a commercial entity that receives marihuana from a marihuana facility 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 facility.
- r. “Medical Marihuana Secure Transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- s. “MMFLA” means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.

- t. “Permit” means a valid and current license issued by the City of Muskegon Heights to operate an approved Medical Marihuana Facility.
- u. “Vetting Process” means the process by which the City Clerk, along with other City employees, reviews an application, processes background checks, reviews business licenses for the facility in which the applicant or entity is applying, verifies current zoning licenses, ensures that Applicant has no outstanding debts to the City, and makes sure that the Applicant has complied with every requirement of this Ordinance during the application process.

Section 2 (b):

An Article II “Opt-In Provisions” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-4 General Opt-In Provisions

Pursuant to Section 205(1) of the MMFLA, the City will authorize the following types of Medical Marihuana Facilities: Growers (Classes C); Processors; Safety Compliance Facilities; and Secure Transporters; and Provisioning Centers.

Section 2 (c): Secs. 88-6—88-9. – Reserved.

An Article IV “Permit Types; Eligibility; General Provisions” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-10 Number of Permits Available; Eligibility; General Provisions

1. The number of Medical Marihuana Facility Licenses in effect at any time shall not exceed the following maximums within the City of Muskegon Heights:
 - a. Class C Medical Marihuana Grower Licenses: 5
 - b. Medical Marihuana Processor Licenses: 5
 - c. Medical Marihuana Safety Compliance Facility Licenses: 2
 - d. Medical Marihuana Secure Transporter Licenses: 2
 - e. Medical Marihuana Provisioning Centers: 3

The City of Muskegon Heights may review and amend these numbers by resolution annually or stacking shall be limited to two stacked licenses per facility.

2. Medical Marihuana Facilities shall carry a one-million-dollar (\$1,000,000) liability insurance policy as well as any other insurance policies required under the MMFLA and shall show proof of insurance to the City of Muskegon Heights before licensing. Proof of insurance shall be filed with the City during the annual application process. The status of the insurance policy held by the Medical Marihuana Facility, may be audited by the City at any time. If a Medical Marihuana Facility changes insurance carriers, the City must be notified within ten (10) business days, and proof of the change must be filed with the City within ten (10) business days.
3. All Medical Marihuana Facilities within the City shall maintain a video surveillance system which includes a 360-degree view of all areas containing medical marihuana plants, products, equipment, or cash assets. This video system shall maintain a video quality of at least 1080 megapixels and shall be tied to a digital video recording system at all times. This system is subject to compliance inspection by City officials.
4. All Medical Marihuana Facilities within the City of Muskegon Heights shall maintain a monitored intrusion alarm system at all times which shall include motion detectors on all entrances, exits, and windows to the Facility. Proof of this subscription shall be filed with the City during the annual application process. If the subscription changes, the City must be notified within ten (10) business days, and proof of the change must be filed with the City within ten (10) business days. This system is subject to compliance inspection by City officials.
5. All entrances and exits to Medical Marihuana Facilities will be fitted with commercial grade steel doors with a minimum two (2) inch throw. Loading bay and garages will be fitted with commercial grade doors with mechanical locking mechanisms. These systems will be subject to compliance inspection by the City.
6. All Medical Marihuana Facilities shall be outfitted with air filtration systems, scrubbing systems, or barometric pressure control systems to prevent any odors from escaping the Facility. These systems will be subject to compliance inspection by the City.
7. No Medical Marihuana Facility may feature exterior signage, slogans, logos, or advertising which mentions marihuana, cannabis, any cannabinoid, or any depiction of marihuana or any marihuana related product or paraphernalia. All signage is subject to review by the City of Muskegon Heights Council and must conform to this section as well as all pertinent sections of the Muskegon Heights Zoning Ordinances.

8. No person working in or employed by a Medical Marihuana Facility shall produce his or her own marihuana or marihuana product for personal use at the Facility.
9. All employees of Medical Marihuana Facilities are prohibited from: smoking, consuming alcohol, using/consuming medical marihuana or other controlled substances, or illegal drugs on the premises of the facility.
10. Any person who holds an interest in a Medical Marihuana Facility shall notify the Clerk in writing within five (5) business of any new civil infraction, misdemeanor, or felony charges and convictions received at any time, including after the grant of the Permit. Failure to notify the Clerk may result in immediate forfeiture of the Permit.
11. There shall be no Medical Marihuana Facility location within five hundred (500) feet of a school or church.
12. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs.
13. Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
14. Every Medical Marihuana Facility in the City of Muskegon Heights shall be licensed pursuant to the terms and provisions set forth in this Ordinance.

State Law reference—MCL 333.26421 et seq

Section 2 (d): Secs. 88-11—88-14. – Reserved.

An Article V “Application Procedures and Appeals” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-15 Permit Required Subject to Special Use Approval

1. Any person or entity that wishes to operate as a Medical Marihuana Facility in the City of Muskegon Heights shall obtain a Special Land Use Permit, City of Muskegon Heights Operating Permit, and State of Michigan Operating Permit prior to opening or operating.
2. In order to obtain an operating Permit for a Medical Marihuana Facility, a person or entity must first get a Conditional Special Land Use Permit from the Planning Commission.

3. The application and inspections fee for the Zoning Permit required by this section shall be as set from time to time by the City of Muskegon Heights by resolution.
4. In addition to an annual application and annual inspection fee, the City may assess an annual fee that shall be determined by zoning ordinances.
5. No person or entity that has opened or operated a facility doing business or purporting to do business under this Ordinance without first obtaining a Permit shall be eligible for a License.
6. A person or entity that receives a Permit under this Ordinance shall display its Permit, when issued, and its State of Michigan Medical Marihuana Facility License in plain view, clearly visible to City of Muskegon Heights officials and State of Michigan Medical Marihuana Licensing Board authorized agents.
7. The Medical Marihuana Facility location shall conform to all standards of the district in which it is located.
8. No person shall reside in or license any person to reside in or on the premises of a Medical Marihuana Facility.

Section 88-16 Application Procedure

1. The City Clerk may issue a Permit for an authorized medical marihuana manufacturing facility under this Chapter if inspections for safety, zoning compliance, criminal history background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application, and is prepared to operate the business within compliance with this Code and any other applicable law, rule, or regulation. The City Clerk shall deny any application that does not meet the requirements of this Chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information.
2. All applicants for Licenses required by this section shall file all applications with the Clerk's office for the City of Muskegon Heights upon a form provided by the City of Muskegon Heights.
3. Every applicant for a Permit to operate a Medical Marihuana facility shall submit, with the completed application, a photocopy of the applicant's valid and current driver's license or State identification issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
4. Every applicant must sign a statement acknowledging that the granting of a Permit by the City does not guarantee that the applicant will be issued a

License by the State of Michigan. Additionally, each applicant must attest, with their signature that they understand that the granting of a Permit by the City does not absolve them from any federal prosecution based on Federal Drug laws.

5. Every applicant must sign a statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Muskegon Heights in conducting the business in which the Permit will be used, and that a violation on the premises may be cause for objecting to renewal of the Permit, or for requesting revocation of the Permit.
6. The Clerk of the City shall keep a list of interested applicants on a first come, first serve basis for the Medical Marihuana Provisioning Centers. All other Medical Marihuana Facilities will have an on-going rolling application period. The Clerk of the City shall keep a list of interested applicants on a first come, first serve basis.
7. Completed applications shall be submitted to the Clerk along with any documents that are required per the application and ordinance.
8. Completed applications will be date-stamped with a date-stamped receipt going to applicant. Applicant will sign the date-stamped receipt acknowledging that date.
9. The applicant may be requested to provide additional information required by the Act and any other information deemed by the City of Muskegon Heights to be required for the consideration of a Permit by the City, including but not limited to background checks executed by the Muskegon Heights Police Department.
10. A completed application for a Permit shall be presented to the Clerk in person and shall be made under oath.
11. Upon satisfactory completion of the Vetting Process, the application will be placed in a pool of fully vetted applications.
12. The City Council has the absolute discretion to award Medical Marihuana Provisioning Center Permits to those applicants that best serve the interests of the City of Muskegon Heights. An evaluation rubric shall be separately adopted by the City Council to be used in the decision-making process, by the City Council.
13. All Medical Marihuana Facility Permits, except for Provisioning Center Permits, will be awarded by random lottery. The City Council shall, by resolution, establish by publication the date, time, and location of when the lottery will be held. All qualified applicants will be notified seven (7) days

before the drawing. Completed applications will be placed in a random lottery. If at that time, a permit is still available for the particular facility in which the applicant is applying for, and the applicant's application is randomly pulled from the lottery, then the applicant will be granted that permit. If there is currently no permit available, the applicant will be notified in writing and placed in the next available lottery if the lottery occurs within one year from the date of application. If one year has passed since the applicant applied, applicant will need to reapply.

14. The City may assess an annual fee, as determined by City Council, of no more than \$5,000.00.
15. Notice of available Permits shall be posted in the Clerk's office and may be made available on the City's webpage.
16. Permits are non-transferable.
17. Applicants for a Provisioning Center Permit may be subject to additional application procedures as set forth by the Council from time to time by resolution.

Section 88-17 Conditions Necessary

1. No Permit shall be issued under this Chapter unless the City confirms the proposed medical Marihuana Facility complies with all of the following minimum requirements:
 - a. All provisions of the City building, fire, electrical, and health codes have been fulfilled.
 - b. All relevant provisions of Chapter 88 for medical marihuana facilities of this Code have been fulfilled.
 - c. The applicant and operator shall not have any felony convictions.
 - d. The applicant or business has no outstanding back taxes, fines, fees, or liens owed to the City.
 - e. A business Permit has been obtained from the City assessor.

Section 88-18 Appeal Process

1. If the Clerk denies a Permit, the Applicant may appeal to the Council. Applicant shall have the burden of proof to show why the reasons given for denial are invalid.
2. Applicant must appeal on a written form provided by the City Clerk, within fourteen (14) days of the denial. The applicable fee shall be submitted with the notice of the appeal; such fee shall be nonrefundable. City Council shall

consider the appeal within 30 days of receipt of the appeal. The council's decision is final.

Section 2 (e): Secs. 88-19—88-20. – Reserved.

An Article VI “Denial, Revocation, and Review; Renewals” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-21 Denial, Revocation, and Review

1. A Permit granted under this Ordinance may be revoked for any of the following reasons:
 - a. Any fraud or misrepresentations contained in the Permit application;
 - b. Any knowing violations of this ordinance;
 - c. One or more violations of any City ordinance on the premises;
 - d. Loss of the Applicant's State Medical Marihuana Facility License;
 - e. Failure of the Applicant to obtain a State of Michigan Medical Marihuana Facility License;
 - f. Maintenance of a nuisance on the premises;
 - g. A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period;
 - h. Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public;
 - i. Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the City, failure to withhold City income tax from employees, failure to remit to the City withheld city income taxes, or failure timely file documentations or returns required for such taxes;
 - j. Failure to pay any outstanding amounts owed the City (such as fees, fines, bills, assessments, installments, registration fees, etc.);
 - k. Failure or inability to meet the provisions of this Ordinance;
 - l. Failure to allow inspections of the business premises or hazardous material storages records at a reasonable time.
 - m. Permit has been transferred to a new person/entity without the new person/entity being approved for a MMF Permit.

2. If the Planning Commission denies a site plan, application for Permit, or both, the applicant shall be entitled to prompt review by the Zoning Board of Appeals.

Section 88-22 Permit Renewal

1. A marihuana facility Permit shall be valid for one year from the date of issuance, unless revoked as provided by law.
2. A valid marihuana facility Permit may be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Muskegon Heights and payment of the annual Permit fee. Renewals are not subject to another lottery. Application to renew a Medical Marihuana Facility Permit shall be filed at least thirty (30) days prior to the date of its expiration.

Section 88-23 General Provisions

1. The provisions of this Chapter apply to all Marihuana Facilities, whether operated for profit or not for profit.
2. The Permit requirements in this Chapter are in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions by Marihuana Facilities.
3. This Chapter does not pertain to medical marihuana home occupations under the MMMA.
4. A Permit issued under this Chapter is valid only for the of the location of the Medical Marihuana Facility (MMF), individual(s)/business listed on the Permit application, and the type of MMF that is listed on the Permit application and is valid only for the operation of the permitted MMF at that location by the Permit applicant.
5. A Permit issued under this Chapter is valid only if the Permit holder also holds a valid current State Operating License and a copy of the valid current License and application for License has been provided to the City Clerk by the Permit holder and is in compliance with all other requirements of this Chapter.
6. The revocation, suspension, and placement of restrictions by the state on a State Operating License apply equally to a Permit issued by the City.

Section 2 (f): Secs. 88-24—88-26. – Reserved.

An Article VII “Medical Marihuana Grower Facility” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

**Section 88-27 Minimum Operational Standards of a Medical
Marihuana Grower Facility.**

1. The following minimum standards for a Medical marihuana Grower facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. All activity of cultivation must be done in a building;
 - c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
 - d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
 - e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
 - f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
 - g. Medical Marihuana Grower Facilities shall produce no products other than useable medical marihuana intended for human consumption.

State Law reference—MCL 333.26421 et seq

Section 2 (g): Secs. 88-28—88-30. – Reserved.

An Article VIII “Medical Marihuana Processor Facility” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

**Section 88-31 Minimum Operational Standards of a Medical
Marihuana Processor Facility.**

1. The following minimum standards for a Medical Marihuana Processor Facility shall apply:

- a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
- b. All activity related to the processor facility shall remain indoors;
- c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
- d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
- e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
- f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
- g. Processor facilities shall produce no products other than usable marihuana or marihuana infused products intended for human consumption.

State Law reference—MCL 333.26421 et seq

Section 2 (h): Secs. 88-32—88-35. – Reserved.

An Article VIII “Medical Marihuana Safety Compliance Facility” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-36 Minimum Operational Standards of a Medical Marihuana Safety Compliance Facility.

1. The following minimum standards for a Medical Marihuana Safety Compliance facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;

- b. All activity related to the processor facility shall remain indoors;
- c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
- d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order at all times;
- e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
- f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;

State Law reference—MCL 333.26421 et seq

Section 2 (i): Secs. 88-37—88-40. – Reserved.

An Article X “Medical Marihuana Transportation Facility” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-41 Minimum Operational Standards of a Medical Marihuana Transportation Facility.

- 1. The following minimum standards for a Medical Marihuana Transportation Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
 - c. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
 - d. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every

facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;

- e. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
- f. There shall be no storage of Medical Marihuana in any form on the Facility.

State Law reference—MCL 333.26421 et seq

Section 2 (j) Secs. 88-42—88-45. – Reserved.

**Section 88-46 Minimum Operational Standards of a Medical
Marihuana Provisioning Center Facility.**

1. The following minimum standards for a Medical Marihuana Provisioning Center Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. Provisioning Centers are to be operated in Zones I1 and C3 only.
 - c. Every Provisioning Center must be in a building;
 - d. No Provisioning Center may be open between the hours of 8 p.m. and 9 a.m. Monday through Saturday;
 - e. Consumption of alcohol, cigarettes, or medical marihuana of any kind shall be prohibited on the premises of a Medical Marihuana Provisioning Center;
 - f. Any useable marihuana remaining on the premises while the facility is not in operation shall be secured in a safe permanently affixed to the premises;
 - g. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected

therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;

- h. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
- g. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order at all times;
- i. Facility must require all patients to present both their Michigan Medical Marihuana Patient/Caregiver ID Card and State Identification promptly upon entering the facility.

Section 2 (j) Secs. 88-47—88-50. – Reserved

An Article XI “Penalties” of Chapter 88, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 88-51 Penalties.

1. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and subject to up to 93 days in jail and/or a \$500 fine, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
2. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Muskegon Heights may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
3. This Ordinance shall be enforced and administered by the City of Muskegon Heights Police Department or such other City official as may be designated from time to time by resolution of the Council.

Section 3. Severability

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity if the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. Conflicting Provisions.

All ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective ten (10) thirty days after publication.

Adopted: May 13, 2019

Published: May 19, 2019

Effective: May 29, 2019



Sharon Gibbs, City Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council of the City of Muskegon Heights, Muskegon County, Michigan, at a regular meeting held on May 13, 2019, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.



Sharon Gibbs, City Clerk