

**CITY OF CHARLOTTE  
COUNCIL PROCEEDINGS**

**Workshop Meeting  
September 14, 2021**

**CALL TO ORDER:**

By Mayor Armitage on Tuesday, September 14, 2021 at 7:04 p.m.

**PRESENT:**

Hoogstra, Weissenborn, Dyer, Baker, VanStee, Armitage, City Manager LaPere, City Clerk LaRocque

**APPROVAL OF AGENDA:**

Motion by Baker, supported by VanStee to approve the agenda as published. Yea 6; Nay 0; Absent 1, Motion carried.

**EXCUSE ABSENT MEMBERS:**

McRae. Motion by Hoogstra, supported by Dyer to approve absent members. Yea 6; Nay 0; Absent 1, Motion carried.

**PUBLIC COMMENT:**

No comments given.

**DISCUSSION ITEMS:**

**1. Water Shut off**

Council asked Manager LaPere to write up a first reading resolution for the Sept. 10, 2021 regular council meeting.

**2. Marijuana Regulations**

Council decided to table discussions as the next elected council will decide this issue and they would like to see it presented on a ballot proposal for a vote of the people.

**PUBLIC COMMENTS:**

Christopher Lake on Cambridge Dr. made a comment on the water shut off fees.

**MAYOR AND COUNCIL COMMENTS:**

**ADJOURNMENT:**

Motion by Dyer, supported by Weissenborn to adjourn the meeting at 9:13 p.m. Yea 6; Nay 0; Absent 1, Motion carried.

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Mayor Armitage

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Mary LaRocque, City Clerk



## Memo

**Date:** September 10, 2021  
**To:** Honorable Mayor Armitage; City Council  
**From:** Erin LaPere, City Manager  
**Re:** Discussion on an ordinance amendment to allow commercial marihuana grow operations

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The City has begun drafting language for ordinance amendments to permit commercial marihuana grow operations as permitted under state law. Council, with input from the Planning Commission, will have to determine whether such allowance should be granted to both medical and recreational grow operations, or both; the appropriate number of such licenses to be permitted; locations for such licensed operations; and criteria to be used for selection of applicants. We should also consider if transfers will be allowable, criteria for renewal applications, and process for revocation, should that be necessary.

Administration is recommending the following:

- Both medical and recreational grow operations be permitted
- Total grow operations be limited to a maximum of 6 licenses, medical and recreational combined
- Licenses be permitted as a special land use within the Industrial (I-1 and I-2) Zone Districts.
- The city utilize a ranked scoring if it receives more complete applications than licenses available
  - o Within the designated submittal time for Council approval, the complete applications received will be ranked with points for the following:
    - Business plan includes schedule for communication/feedback from entities within 500 feet at least once/year.
    - Proposal designates an employee liaison for the neighborhood
    - Documented employee safety training program
    - Business practices related to energy efficiency, water conservation, and materials waste/storage
    - Combined prior experience of 5+ years successful business management
    - At least 1 owner or minimum 25% ownership stake of full-time resident of Charlotte
    - Business plan promotes local hiring or incentives for City of Charlotte or Eaton County residents

- Business provides health benefits for all employees
- Business employs more than 5 full time employees, not including owners
- Transfers may not be permitted and proposed transfers will be reviewed in accordance with the ordinances as an original application.
- Renewals be considered in the same manner as original applications, with any proposed site plan changes submitted and reviewed concurrently. Renewals will also be considered in light of any violations on the part of the applicant in the prior permit period.
- Revocation should be outlined for misrepresentation of materials in application, a pattern of violations of the ordinance, violation of state law or rules, or revocation of a state license.

In addition, we will want to consider any additional conditional land use approval requirements that we may seek to impose to limit the impacts to the surrounding neighborhood by the allowance of this use. Currently, the Zoning Ordinance requires the following for all special or conditional land uses:

(E) *Hearings; matters to be considered.* In making any recommendations or approvals on special land uses, conditional uses, planned residential districts, site plans or other matters authorized by law, the Planning Commission and the City Council, where its approval is also required, shall consider and apply the following standards.

- (1) Whether or not the use involved is consistent with and promotes the intent and purpose of this chapter.
- (2) Whether or not the use involved is compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.
- (3) Whether or not the use involved is consistent with the public health, safety and welfare of the city.

(F) *Conditions for approval.*

(1) Reasonable conditions may be required in conjunction with the approval of a special land use, conditional use, planned residential district or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- (a) Be designed to protect natural resources, and the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (b) Be related to the valid exercise of the policy, power and purposes which are affected by the proposed use or activity;
- (c) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this chapter for the land use or activity under consideration; and be necessary to insure compliance with those standards.

(2) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

Administration is preparing draft ordinance language detailing those provisions as outlined for Council to review and discuss further on Tuesday night.

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Introduced:  
Adopted:  
Effective:

**CITY OF CHARLOTTE**  
**ORDINANCE NO. 2021-xx**

AN ORDINANCE TO AMEND CHAPTER 82 ZONING  
ORDINANCE, ARTICLE I. IN GENERAL, ARTICLE XVII. I-1  
LIGHT INDUSTRIAL DISTRICT, AND ARTICLE XVIII. I-2  
GENERAL INDUSTRIAL DISTRICT TO REGULATE  
COMMERCIAL MARIHUANA ESTABLISHMENTS

Councilmember \_\_\_\_\_ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

**SECTION 1.** Chapter 82, Zoning Ordinance, shall hereby be amended as follows.

**SECTION 2.**

**Article I., Section 82-4, Definitions.** Section 82-4 of the City of Charlotte Zoning Ordinance shall be amended to include the following definitions, in alphabetical order:

*Marihuana Establishment. A marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, or any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.*

*Marihuana Grower. A marihuana establishment that cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments.*

*Marihuana Microbusiness. A marihuana establishment that cultivates no more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to marihuana safety compliance facilities, but not to other marihuana establishments.*

*Marihuana Processor. A marihuana establishment that obtains marihuana from marihuana establishments; processes and packages marihuana; and sells or otherwise transfers marihuana to marihuana establishments.*

**Commented [EL1]:** One suggestion – and it can be part of the bigger review on home occupations or this, but we should add some stipulations on primary caregiver activities as a home occupation.

*Marihuana Retailer. A marihuana establishment that sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older.*

*Marihuana Safety Compliance Facility. A marihuana establishment that tests marihuana, including certification for potency and the presence of contaminants.*

*Marihuana Secure Transporter Facility. A marihuana establishment that obtains marihuana from marihuana establishments in order to transport marihuana to other marihuana establishments.*

**Article XVII. I-1 Light Industrial District, Section 82-358 Conditional Uses.** Section 82-358 Conditional Uses is amended to include the following uses in the I-1 Light Industrial District:

- A. Marihuana Grower in accordance with requirements of Chapter 15, Article IV Marihuana Establishments.

**Article XVIII. I-2 General Industrial District, Section 82-378.** Section 82-378 is amended to be renamed Conditional Uses and include the following uses in the I-2 General Industrial District:

- A. Any conditional use first permitted and as regulated in an I-1 District.
- B. Marihuana Grower in accordance with requirements of Chapter 15, Article IV Marihuana Establishments

**Article XVIII. I-2 General Industrial District, Section 82-378 Area and Bulk Requirements.** Section 82-378 is amended to be renumbered to Section 82-379.

**Article XVIII. I-2 General Industrial District, Section 82-379 to 82-395 Reserved.** Section 82-379 to 82-395 is amended to be renumbered to Section 82-380 to 82-395.

**SECTION 3. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective 20 days after publication.

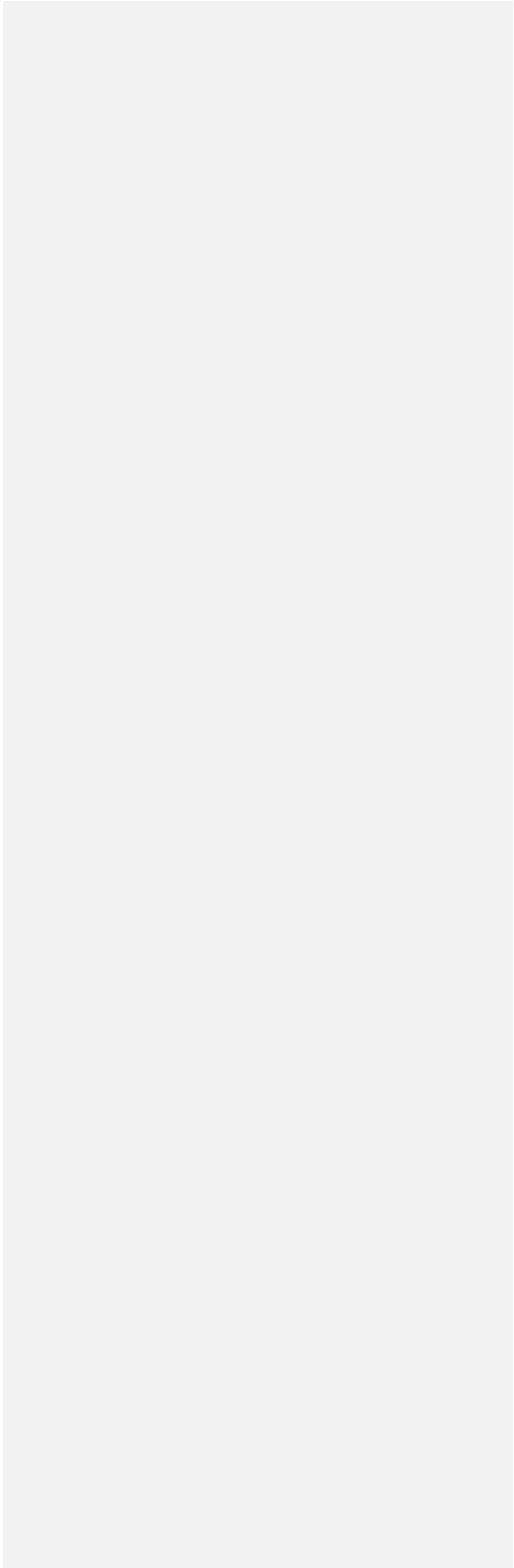
Second, \_\_\_\_\_. \_\_\_\_\_ ( ) Yeas. ( ) Nays.

Dated: \_\_\_\_\_

\_\_\_\_\_

Michael Armitage, Mayor

, City Clerk



Introduced:  
Adopted:  
Effective:

**CITY OF CHARLOTTE**  
**ORDINANCE NO. 2021-xx**

AN ORDINANCE TO AMEND CHAPTER 15 BUSINESSES,  
ARTICLE IV MARIHUANA ESTABLISHMENTS TO  
AUTHORIZE AND REGULATE CERTAIN MEDICAL AND  
RECREATIONAL MARIHUANA ESTABLISHMENTS

Councilmember \_\_\_\_\_ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

**SECTION 1. RESCISSION OF PROHIBITION.** Chapter 15, Article IV, Section 15-75 *Prohibition on Marihuana Establishments* shall hereby be rescinded and amended as follows.

**SECTION 2.**

**DIVISION I – In General**

**Section 15-75 TITLE.** This ordinance shall be known as the “City of Charlotte Medical and Recreational Marihuana Establishment Permitting Ordinance” and may be referenced as the “ordinance”.

**Section 15-76 PURPOSE.** It is the intent of this ordinance to authorize certain medical and recreational marihuana establishments in the City of Charlotte, and to permit and regulate the allowable uses. This ordinance is intended to protect public health, safety, and welfare; establish rules and regulations that are fair and equitable for establishments authorized by the Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Regulation and Taxation of Marihuana Act (MRTMA); and provide reasonable regulation pursuant to the City of Charlotte City Charter and as provided by the Michigan Constitution and the Home Rule Cities Act.

**Section 15-77 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* is a person who has applied for a Charlotte Medical Marihuana Facility permit and/or applied for a Charlotte Recreational Marihuana Facility permit.

*Marihuana* is a term as defined in Section 7106 of the Michigan Public Health Code.



*Medical Marihuana Facilities Licensing Act (MMFLA)* is the adopted Act of 2016.

*Medical Marihuana Facility* is a facility licensed to operate under the Medical Marihuana Facilities Licensing Act.

*Medical Marihuana Grower* is a medical marihuana facility that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

*Medical Marihuana Processor* is a medical marihuana facility that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualified patients, directly or through the patient's registered primary caregiver. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers.

*Medical Marihuana Compliance Facility* is a medical marihuana facility that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns test results, and may return the marihuana to the marihuana facility.

*Medical Marihuana Secure Transporter Facility* is a medical marihuana facility that stores marihuana and transports marihuana between marihuana facilities for a fee.

*Michigan Regulation and Taxation of Marihuana Act (MRTMA)* is the Initiated Law 1 of 2018.

*Monthly Application Window* is the open application period that commences the day after a 23-day deadline for a Charlotte Medical Marihuana Facility Permit and ends on the following 23-day application deadline.

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

*Recreational Marihuana Establishment* is a facility licensed to operate under the Michigan Regulation and Taxation of Marihuana Act.

*Recreational Marihuana Grower* is a recreational marihuana establishment licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Recreational Marihuana Microbusiness* is a recreational marihuana establishment 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.

*Recreational Marihuana Processor* is a recreational marihuana establishment licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

*Recreational Marihuana Retailer* is a recreational marihuana establishment 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.

*Recreational Marihuana Safety Compliance Facility* is a recreational marihuana establishment licensed to test marihuana, including certification for potency and the presence of contaminants.

*Recreational Marihuana Secure Transporter* is a recreational marihuana establishment licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments

*Registered Primary Caregiver* is a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

*Registered Qualifying Patient* is a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

*State License* means a license issued by the State of Michigan for facilities under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.

*State Rules* include the rules promulgated under the administrative procedures Act of 1969, 1969 PA 306+, MCL 24.201 to 24.328, to implement the Medical Marihuana Facilities Licensing Act and the rules promulgated under the administrative procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement the Michigan Regulation and Taxation of Marihuana Act.

*City* means the City of Charlotte

*Charlotte Medical Marihuana Facility Permit* is a permit issued by the City of Charlotte that authorizes the operation of a Medical Marihuana Facility.

*Charlotte Recreational Marihuana Facility Permit* is a permit issued by the City of Charlotte that authorizes the operation of a Recreational Marihuana Facility.

## **Sec. 15-78 General Requirements.**

- A. All marihuana facilities shall comply with all applicable building and construction codes, zoning requirements, and all state laws and rules for the construction, design, and

operation of the facility. Ongoing compliance with all applicable rules and regulations is required.

- B. All marihuana facilities shall only be operated by a person who has been issued a state permit and a Charlotte Medical or Recreational Marihuana Facility Permit. The marihuana facility shall be operated only so long as the state permit and city permit remain valid and only in accordance with the terms of the permits. A Charlotte Medical Marihuana Facility Permit or a Charlotte Recreational Marihuana Facility Permit shall only be valid so long as the state permit is valid.
- C. All marihuana facilities must have adequate security to prevent access by unauthorized persons.
- D. Medical marihuana facilities and recreational marihuana establishments may co-locate within the same building or on the same parcel, so long as the uses are permitted in the applicable zoning district and if co-location is allowable under state laws and rules.
- E. No marihuana facility shall be operated in a manner that creates excessive noise, dust, vibrations, glare, or fumes or odors that are detectible to the normal senses beyond the boundaries of the parcel on which the marihuana facility operates.
- F. Separation
  - 1. Marihuana growers shall be located at least one-thousand feet from the following sensitive uses: schools, licensed child care centers, places of worship, and public parks.
  - 2. A marihuana grower shall be located at least X feet from the next closest permitted off-site medical marihuana grower or permitted recreational marihuana grower.
  - 3. The minimum required separations are measured horizontally in the following manner:
    - i. Between the nearest exterior wall of the proposed facility to the nearest exterior wall of a building accommodating a sensitive use listed in item F, 1; or to the outside limits of an outdoor area used in conjunction with a sensitive use listed in item F, 1.
    - ii. Between the nearest exterior wall of the proposed facility to the nearest exterior wall of an existing permitted facility.
  - 4. Separation waivers may be granted by the City Council in any of the following circumstances, except that no waiver shall be granted from separation from schools:
    - i. Signed consent supporting the waiver is provided by the owner of the sensitive use listed in F, 1.
    - ii. A finding by the Council that the operation of the marihuana facility does not have a detrimental effect on the sensitive use and neighboring property.
  - 5. A marihuana facility shall only operate on the property and at the address specified on the Charlotte Medical or Recreational Marihuana Facility Permit and state permit.

#### **Section 15-79 Zoning Compliance.**

- A. The City of Charlotte Zoning Ordinance shall specific the zoning districts in which a marihuana facility may be located and operated. No Charlotte Medical or Recreational Marihuana Facility Permit shall be issued to a marihuana facility located or operated in any zone district which does not expressly authorize the use through the special land use process.

- B. All special land use approvals granted for marihuana facilities shall be conditioned on the securing of a state permit and a Charlotte Medical or Recreational Marihuana Facility Permit.
- C. A marihuana facility shall not be operated except in compliance with the Zoning Ordinance and all special land use and site plan approvals.

#### **Section 15-80 Permitting and Inspections.**

- A. A separate permit application is required for each medical marihuana facility proposed.
- B. A medical marihuana facility shall only be operated in the City if the facility obtains a Charlotte Medical Marihuana Facility Permit under the terms of this ordinance, the applicant pays a Marihuana Facility Fee, and after special land approval is issued in accordance with the Zoning Ordinance.
- C. A Charlotte Medical Marihuana Facility Permit must be renewed annually, through re-application and payment of the Marihuana Facility Renewal Fee. Approval shall be conditioned the applicant's demonstration of a positive record of compliance with the requirements of the State of Michigan, this ordinance, and the requirements of the Zoning Ordinance.
- D. The Charlotte Medical Marihuana Facility Permit and state permit must be displayed indoors, in plain view, clearly visible to City officials.
- E. By accepting a Charlotte Medical Marihuana Facility Permit, the applicant shall consent to inspections of the applicant's medical marihuana facility by City officials and/or the Charlotte Police Department to verify compliance with this ordinance.

#### **Section 15-81 Application.**

- A. An applicant shall apply for the Charlotte Medical or Recreational Marihuana Facility Permit on a City application form and shall pay a non-refundable Marihuana Facility Fee set by Council Resolution.
- B. The application shall include the following information, as well as any other information that may be requested by the City to verify compliance with this ordinance:
  - a. The applicant's name, home and business address, e-mail address, and telephone number(s).
  - b. The address, legal description and permanent parcel number of the property on which the marihuana facility is proposed to be located.
  - c. The name and address of the owner of record of the property on which the marihuana facility is to be located. If not owned by the applicant, a signed copy of the lease or other legal instrument whereby the owner has permitted the applicant to establish and operate the proposed marihuana facility on the parcel shall be provided.
  - d. The type of marihuana facility which the applicant proposes.
  - e. A copy of the any approval from the state or prequalification.
  - f. Operations plan, including but not limited to the following information:
    - i. General narrative concerning business plans, objectives, and operations.
    - ii. Business structure.
    - iii. Organization and management.
    - iv. Explanation of strategy and methods to comply with this ordinance, zoning requirements, building codes, fire safety rules, and other applicable codes.

## Section 15-82 Review and Approval Process.

- A. The application for a Charlotte Medical or Recreational Marihuana Facility Permit shall be submitted to the City Clerk no less than 23 days prior to the City Council meeting in which it is to be considered.
- B. A special land use approval must be valid for the subject site. An application will not be accepted by the City Clerk until the Planning Commission grants special land use and site plan approval for the subject site.
- C. Upon receiving the application, the Clerk shall review it to determine whether it is complete under the terms of this ordinance. The Clerk may review this material in conjunction with other City officials, legal counsel, and consultants. If the application is incomplete, the Clerk shall inform the applicant in writing. An incomplete application is not deemed as officially submitted and shall not have precedence of consideration over any other application.
- D. Upon determining that an application is complete, the Clerk shall assign a number based on the order in which it was received, and arrange for it to be presented to the City Council. Other applications, if any, may be received but they shall be reviewed for completeness only in the order in which they are received; and if complete shall be considered for approval.
- E. In any monthly application window, as defined, where the City Council receives more applications than available permits, the Council shall use its discretion to select the applicant(s) that are best suited to operate in compliance with state laws and rules, and this ordinance utilizing the following competitive ranking system:
  - 1. Applicant holds a valid Charlotte Medical or Recreational Marihuana Facility Permit (5 points).
  - 2. Business plan includes a schedule for communication and receiving feedback from all entities within 500 feet of the business at least once a year (5 points).
  - 3. Proposal includes the appointment of an employee as a designated liaison with the neighborhood (2 points).
  - 4. Proposal includes documented employee safety training program (1 point).
  - 5. Proposal includes business practices relating to energy efficiency, water conservation, and materials/waste storage (2 points).
  - 6. Combined prior experience of proposed owners is more than 5 years of successful business management (1 point).
  - 7. At least one owner or a minimum of 25% ownership take is a full-time resident of the City of Charlotte (3 points).
  - 8. Business promotes local hiring or incentives for City of Charlotte or Eaton County residents (2 points).
  - 9. Business provides employee health benefits for all employees (2 points).
  - 10. Business employs more than 5 people full-time, not counting the owners (2 points).
- F. The City Council shall approve a Charlotte Medical or Recreational Facilities Permit only if the application satisfies all of the following conditions:
  - 1. The applicant has received prequalification by the state for the type of establishment proposed.
  - 2. The request is within the quota for the number of marihuana establishments permitted by this ordinance.
  - 3. The marihuana establishment complies with this ordinance and has received special land use approval.

4. The applicant has demonstrated that the recreational marihuana establishment will not impact public health, safety, and welfare.
  5. In case of renewal, there have been no material violations of the Charlotte Medical or Recreational Marihuana Establishment Permit, this ordinance, and the special land use and site plan approval.
- G. If the application is approved, the City Council shall authorize and direct the Clerk to issue a Charlotte Medical or Recreational marihuana establishment Permit to the applicant. The permit shall include terms and conditions consistent with this ordinance, any conditions imposed by the City Council, and such other provisions as are relevant to the type of marihuana establishment. The permit information shall be provided to the applicable state licensing boards in accordance with state laws and rules. The Charlotte Medical or Recreational Marihuana Establishment Permit shall not be effective until state license approval.
- H. If the application is denied, the Clerk shall inform the applicant in writing, which shall include the reasons for the denial.
- I. An applicant shall have the right to appeal a permit denial in any manner provided by law.

#### **Section 15-83 Renewal and Transfers.**

- A. The Charlotte Medical or Recreational Marihuana Facilities Permit shall be valid for a period not longer than one year.
- B. The Charlotte Medical or Recreational Marihuana Establishment Permit shall be renewed annually prior to the anniversary date of the original permit approval. A permit holder desiring renewal shall apply for the same by completing an application form for such purpose.
- C. With the renewal application, the applicant shall submit either a revised site plan, if any of the elements of the previously submitted site plan have changed, or otherwise, the applicant shall submit a statement that the previous site plan remains accurate as to the matters depicted on the previously approved site plan. Site plan changes shall be processed in accordance with the Zoning Ordinance.
- D. The City Council shall consider the renewal application in the same manner and under the same requirements as for an original application, except that in considering the renewal, the Council may consider any violations on the part of the applicant during the previous period of the permit, and shall issue an approval, conditional approval, or denial in the same manner as Section 15-82 of this ordinance.
- E. The Charlotte Medical or Recreational Marihuana Establishment Permit issued under this ordinance is not transferable. If the state rules and regulations allow the transfer of a license, such transferee shall apply for a Charlotte Medical or Recreational Marihuana Establishment Permit upon state approval, and the City Council shall review such application in accordance with this ordinance.

#### **Section 15-84 Fees.**

- A. A Marihuana Establishment Fee and Marihuana Establishment Renewal Fee shall be paid by the applicant for each Charlotte Medical or Recreational Marihuana Establishment Permit, in the amount up to \$5,000, as established by a City Council Resolution.

#### **Section 15-85 Violations and Penalties.**

- A. The City of Charlotte may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

#### **Section 15-86 Revocation of Permit.**

- A. Revocation of a permit issued under this ordinance may occur upon a finding of the following:
  - 1. Fraudulent or material misrepresentation contained in the application.
  - 2. A pattern of violations of this ordinance or the Zoning Ordinance, after reasonable notice and opportunity to abate the violation.
  - 3. Violations of state law and rules.
  - 4. Revocation of state license.
- B. The revocation shall be in addition to the other available remedies under this ordinance as described in Section 15-85.
- C. The Clerk shall give written notice to the permit holder of the City Council's intent to revoke the Charlotte Medical or Recreational Marihuana Establishment Permit. The notice shall state the reasons for the proposed revocation. The notice shall state that the permit holder may attend a hearing before the City Council as to the revocation to appeal the decision. At least 10 days' notice of the hearing shall be given; the notice shall state the date, time and place of the hearing. At or prior to the hearing, the permit holder may submit written comments with respect to the proposed revocation.
- D. Following the hearing, the City Council may revoke the permit, elect not to revoke the permit, or impose additional terms and conditions in the permit to gain compliance as to the matters for which revocation was considered. This decision shall be provided to the permit holder in writing.
- E. The revocation of a permit shall not entitle the permit holder to any refund of fees paid under the terms of this ordinance.

### **Division II Medical Marihuana Establishments**

#### **Section 15-87 Authorized Medical Marihuana Facilities and Applicability.**

- A. The following medical marihuana facilities, as authorized by the MMFLA may be operated by a Charlotte Medical Marihuana Facility Permit holder in the City:
  - 1. Medical marihuana grower, not to exceed 500 marihuana plants.
- B. The number of Charlotte Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the City:

1. Medical marihuana grower: six (6).

The City may review and amend permit limits by amending this ordinance.

- C. This ordinance does not apply to any registered primary caregiver or registered qualifying patient operating pursuant to the Michigan Medical Marihuana Act (MMMA).

#### **Sec. 15-88 Special Requirements for Medical Marihuana Growers.**

- A. All facilities must be designed to minimize odors emanating from the marihuana plants. Air scrubbing and carbon filtration systems shall be required by the City unless another comparable technology or best practice with equivalent effectiveness is incorporated.

### **Division III Recreational Marihuana Establishments**

#### **Section 15-89 Authorized Recreational Marihuana Facilities and Applicability.**

- A. The following recreational marihuana facilities, as authorized by the MRTMA may be operated by a Charlotte Recreational Marihuana Facility Permit holder in the City:
  1. Recreational marihuana grower, not to exceed 500 marihuana plants.
- B. The number of Charlotte Recreational Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the City:
  1. Recreational marihuana grower: six (6).

The City may review and amend permit limits by amending this ordinance.

- C. This ordinance does not apply to any registered primary caregiver or registered qualifying patient operating pursuant to the Michigan Medical Marihuana Act (MMMA).

#### **Section 15-90 Special Requirements for Recreational Marihuana Growers.**

- A. All facilities must be designed to minimize odors emanating from the marihuana plants. Air scrubbing and carbon filtration systems shall be required by the City unless another comparable technology or best practice with equivalent effectiveness is incorporated.

**SECTION 3. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall become effective 20 days after publication.



Second, \_\_\_\_\_. \_\_\_\_\_ ( ) Yeas. ( ) Nays.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Armitage, Mayor

\_\_\_\_\_  
, City Clerk