

ARTICLE IV. MARIHUANA ESTABLISHMENTS

§ 15-77, et al, COMMERCIAL CANNABIS

The City of Charlotte hereby Ordains this Ordinance that shall be known as the “*City of Charlotte Commercial Cannabis Ordinance*”.

§ 15-77 Title.

This section that shall be known as the “*City of Charlotte Commercial Cannabis Ordinance*”.

§ 15-78 Commercial cannabis / marihuana.

The processing, retail sale, testing, and secure transportation of cannabis / marihuana products are permitted within certain districts within the City limits of the City of Charlotte under The Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (“MMFLA”) as amended, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (“MRTMA”), as amended. The term “cannabis” shall have the same meaning as “marihuana” as defined in the MRTMA, MCL 333.27953(e), MMFLA, and the MMMA. The term “marihuana” and “cannabis” used herein are interchangeable, and the term “cannabis” shall be used.

§ 15-79 Legislative findings.

Whereas, the City of Charlotte (hereinafter referred to as the “city”), through its elected City Council, recognizes that on November 6, 2018, Michigan voters, including the residents of the city, approved Proposal 18-1, creating the Michigan Regulation and Taxation of Marihuana Act (hereinafter referred to as the “MRTMA” being MCL 333.27951 *et seq.*) and provided for the licensing and regulation of recreational marihuana establishments under the MRTMA.

Whereas, the MRTMA provides that a municipal ordinance may completely prohibit or limit the number of marihuana establishments within its boundaries.

Whereas, the City of Charlotte desires to protect the public health, safety, and welfare of the residents of the city by permitting specific MMFLA and MRTMA state-licensed marihuana establishments as: processor, retail, safety compliance facility and secure transporter licenses within the boundaries and jurisdiction of the city subject to this Ordinance.

Whereas, the City of Charlotte desires to prohibit all other cannabis operations, licenses, establishments, and business not expressly permitted under this ordinance, including those licenses under the MRTMA and the MMFLA, except those activities expressly permitted under the Michigan Marihuana Act (“MMMA”), as amended.

§ 15-80 Purposes and intent.

The purpose of this ordinance is to exercise the police, regulatory, and land use powers of the city by licensing and regulating cannabis operations to the extent permissible under state law and regulations and to protect the public health, safety, and welfare of the residents of the city and those within the city boundaries.

The city finds that the activities described in this ordinance are significantly connected to the public health, safety, security, and welfare of its residents and therefore necessary to regulate and enforce safety, security, fire, police, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The city further finds and declares that economic development, including job creation and training, increase and productive land use, and the protection of the public health, safety, and welfare of city neighborhoods and residents are public purposes.

It is not the intent of this ordinance, except as may be required or permitted by law or regulation, to diminish, abrogate, or restrict the protections for medical use of cannabis found in the Michigan Medical Marihuana Act ("MMMA").

The City of Charlotte adopts this ordinance:

- A) To implement certain provisions of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and certain provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, to protect the public health, safety, and welfare of the residents of the city by setting forth the manner in which specific cannabis operations may be operated within the jurisdiction of the city.
- B) To establish the City of Charlotte Commercial Cannabis Ordinance pertaining to the regulation of cannabis operations consistent with state law and regulations. Nothing in this ordinance purports to permit activities that are otherwise illegal under state or local law or expressly prohibited by this ordinance.
- C) Further, this Ordinance:
 - 1) Prohibits within the jurisdiction of the city all cannabis activities, operations, licenses, facilities, establishments, and business not expressly permitted under this ordinance, including those licenses under the MRTMA and the MMFLA, except those activities expressly permitted under the Michigan Marihuana Act ("MMMA"), as amended.
 - 2) Provides for and limits the location and type of cannabis operations, facilities, and establishments licensed under the MMFLA and MRTMA and department licensees within the jurisdiction of the city.
 - 3) Provides for and regulates and controls cannabis operations, department licensees, for the commercial retail sale, processing, secure transportation, and safety compliance testing of cannabis, as set forth herein, and for purposes of implementing specific licensure provided under the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act, where such activities will have minimal detrimental impact.
 - 4) To protect public health and safety through reasonable limitations on cannabis operations, department licensees, and commercial operations, and limitations upon other cannabis related activities provided under the MMFLA and MRTMA, as they relate to noise, odor, and water quality, neighborhood safety, security for the cannabis operation and its personnel, and other health and safety concerns.
 - 5) To provide fees to defray and recover the costs to the city of the administrative, fire, and police costs associated with cannabis operations, and permitted cannabis activities as provided under the MMFLA and MRTMA, as permitted under this ordinance.
- D) This Ordinance authorizes the establishment of specific cannabis operations, facilities and establishments within the City of Charlotte, Michigan, consistent with the provisions of the MMFLA and MRTMA, and with regulations enacted by the department, and subject to the following:

- 1) Nothing in this ordinance is intended to promote or condone the commercial cannabis cultivation and grow, processing, transportation, testing, production, distribution, sale, or possession of cannabis in violation of any applicable law.
- 2) This ordinance is to be construed to protect the public over cannabis operations and licensee interests. The operation of cannabis operations is a revocable privilege and not a right in the city. There is no property right for a person or establishment to engage in or obtain a license to engage in cannabis as a cannabis facility, establishment, or cannabis operation or enterprise within the jurisdiction of the city.
- 3) All licensees and their employees and agents are assumed to be fully aware of the law; the city shall not therefore be required to issue warnings before issuing citations or other enforcement measures for violations of this ordinance or any applicable city ordinance, regulation, or state law or regulation.

§ 15-81 Definitions.

The words, terms, and phrases as related to marihuana and cannabis, and marihuana and cannabis establishments, as used and identified in this ordinance shall be defined and have the meanings ascribed to them, as defined under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, unless the term is otherwise defined in this ordinance or the context requires a different meaning.

The term “cannabis” shall have the same meaning as “marihuana” as defined in the MRTMA, MCL 333.27953(e), MMFLA, and the MMMA. The term “marihuana” and “cannabis” used herein are interchangeable, and the term “cannabis” shall be used.

Applicant is a person who applies for a municipal cannabis operator's license under this ordinance.

Cannabis Regulatory Agency (CRA) means the Cannabis Licensing Agency created within LARA to regulate and administer state licenses.

Church or religious institution means an entire space set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

Clerk means the City Clerk of the City of Charlotte, Michigan.

Co-location means the aggregation of multiple types of licenses, additional licenses, or equivalent licenses permitted under the MRTMA and state rules and located on one, or more, lot of record owned by an existing MRTMA and/or MMFLA licensee, approved for operation in the City of Charlotte.

Commercial greenhouse means a permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

Common ownership means two or more state licenses or two or more equivalent licenses held by one person.

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

Department means the Michigan Department of Licensing and Regulatory Affairs (LARA), including the Cannabis Regulatory Agency.

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 cannabis products at the location indicated on the state license.

Employee means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, or other person in charge of a place, employee does not mean individuals providing trade services who are not normally engaged in the operation of a cannabis establishment.

Establishments. “Establishments” and “Facilities” are used interchangeably and refer to any cannabis related locations at which a licensee is licensed to operate under either MMFLA, MRTMA, or both.

Industrial hemp, as defined under MRTMA.

Licensee means a person holding a state operating license.

Marihuana, as defined under MRTMA.

Cannabis 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 cannabis into the human body.

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

Marihuana [cannabis] establishment, as defined under MRTMA.

Marihuana Facilities Licensing Act (MMFLA) means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended.

Marihuana [cannabis] processor, as defined under MRTMA.

Marihuana [cannabis] retail establishment, as defined under MRTMA.

Marihuana [cannabis]-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.

Michigan Medical Marihuana Act (MMMA) means initiated Law 1 of 2008, MCL 333.26421 et seq., as may be amended.

Michigan Regulation and Taxation of Marihuana Act (MRTMA) means Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

"Municipal [cannabis] Marihuana license" or "license" means a required Cannabis Related Municipal License issued pursuant to this ordinance that allows the licensee to operate within the city as one of the following, as specified in the license:

- a. Processor.
- b. Provisioning Center.
- c. Retailer.
- d. Secure Transporter.

e. Safety Compliance Facility.

Municipality means the City of Charlotte, Michigan.

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

Plant means that term as defined in § 102 of the MMFLA, MCL 333.27102.

Proposed marihuana [cannabis] establishment means a location at which an applicant plans to operate a marihuana establishment under the MRTMA and department rules if the applicant is issued a state license.

Rules means rules promulgated by the department in consultation with the CRA to implement the MRTMA.

Security plan means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana [cannabis] licensee establishment, approved for operation in the City of Charlotte. A security plan must be approved by the city manager with the advice of the chief of police and city attorney. The plan shall be subject to review and reasonable approval by city staff, but shall include, at a minimum, the following components:

- a. Perimeter fence as necessary.
- b. An exterior lighting system.
- c. A building security system.
- d. An on-site security guard program.
- e. An off-site official contact list.
- f. Established hours of operation.
- g. Appropriate signage.
- h. A plan for facility inspection by the City of Charlotte, which shall include no less than an annual comprehensive fire and security inspection.
- i. Such other conditions required by this ordinance, the MMFLA, MRTMA, LARA rules and regulations, city ordinance and resolution, city administration, police and fire departments.

Safety compliance establishment means a person licensed to test cannabis, including certification for potency and the presence of contaminants.

School means any building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, including an intermediate school district, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

Secure transporter means a person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.

Special license means a state license for special events described under § 8 of the MRTMA and issued pursuant to § 9 of the MRTMA.

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. (Commercial grow licenses are not permitted under this ordinance.)

State operating license means a license issued by the department that allows a person to operate a cannabis establishment.

Temporary marihuana [cannabis] event license means a state license held by a cannabis event organizer for an event where the onsite sale or consumption of cannabis products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license. (Not permitted under this ordinance.)

Unreasonably impracticable means that the measures necessary to comply with the rules or ordinances adopted pursuant to the Act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the cannabis establishment.

Zoning ordinance means the City of Charlotte Zoning Ordinance, as amended.

§ 15-82 Federal and state law.

- A) Nothing in this ordinance, city ordinance or codes, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of cannabis not in strict compliance with federal law and applicable rules.
- B) Relationship to state law.
 - 1) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana, cannabis, or hemp in any form, that is not in strict compliance with the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding cannabis. Strict compliance with any applicable State law or regulation and this ordinance shall be a requirement for the issuance or renewal of any license issued under this ordinance. Noncompliance with any applicable state law or regulation or this ordinance shall be grounds for revocation or nonrenewal of any license issued under the terms of this ordinance.
 - 2) Except as otherwise provided by the MMFLA, MRTMA and this ordinance, a person who owns or leases real property upon which a cannabis facility or establishment is located and who has no knowledge that the licensee is violating or violated the MMFLA, MRTMA or a provision of this ordinance, is not subject to criminal or civil prosecution under any applicable city ordinance regulating cannabis.
 - 3) This ordinance does not apply to, or regulate, any patient or caregiver conduct protected by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq. (MMMA), as amended.

§ 15-83 Municipal cannabis license required.

- A) No person shall establish or operate a cannabis operation in the city without a valid municipal license issued by the city and a state license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the cannabis operations facility.
- B) City licenses are required as follows:

- 1) *Annual fee.* A licensee must pay a nonrefundable registration fee of \$5,000.00, for each license used within the city to help defray administrative, compliance monitoring, enforcement costs, and professional services, as necessary. The holder of stacked or co-located licenses must pay a separate fee in the amount of \$5,000.00 for each license. The initial annual registration fee(s) must be paid when the application for city approval is submitted. In each subsequent year, license fees are due on the date of the city license approval. Fees assessed for cannabis land use approvals or licensing in addition to, not in lieu of, any licensing, land use or other permitting requirements of any law, state regulatory agency, or by city ordinance.
- 2) The application fee requirement set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city law or ordinance, including, by way of example, any applicable zoning or building permits.
- 3) The issuance of any license pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of cannabis under federal law.
- 4) Licenses may be allowed to be stacked for multiple uses per premise, subject to the city's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA, the MMFLA, and applicable department rules, and each use is consistent with provisions of city ordinances. If those conditions are met, more than one different cannabis operations licensee may be located on one parcel, as permitted under this ordinance.

§ 15-84 General license application requirements.

- A) *Cannabis operations license application.* A person seeking a municipal license pursuant to the MRTMA or the MMFLA, and the provisions of this ordinance, shall submit a license application (in addition to the *zoning application*), to the city on city-approved forms. At the time of license application, each applicant shall pay a nonrefundable license application fee as provided in this ordinance to defray the costs incurred by the city for background investigations, inspection of the proposed premises, as well as any other costs associated with the processing and review of the application. In addition, the applicant shall present a suitable form of government-issued identification.
- B) The license application shall also provide the following information in this subsection, under the penalty of perjury, on the city-approved forms. Such information is required for the applicant, the proposed manager of the cannabis operations, and all persons involved in the cannabis operations that is the subject of the application:
 - 1) If the applicant is an individual, the applicant's name, date of birth, Social Security number, physical address, including residential and any business address; copy of government-issued photo identification, email address, one or more phone numbers, including emergency contact information; and, if applicable, federal tax identification number of the applicant.
 - 2) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable.
 - 3) The identity of every applicant and person having any ownership interest in the cannabis operation with respect to which the municipal license is sought.

- 4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a cannabis operation.
 - 5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.
 - 6) In addition to the site plan, three stamped or sealed 24 inch by 36 inch drawings of the proposed licensed premises showing, without limitation, building layout, all entryways and exits, ingress and egress to the proposed licensed premises, loading zones and all areas in which cannabis will be, manufactured, processed, stored, or dispensed. All plans and drawings shall be submitted in an electronic format as well.
 - 7) A comprehensive operation plan incorporating the requirements of the zoning application to include the security plan.
 - 8) Prior criminal history will be addressed/considered consistent with the provisions of the MRTMA, including but not limited to MCL 333.27958(1)(c) and/or the MMFLA, including but not limited to MCL 333.27401(1)(d), department rules and regulations.
 - 9) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - 10) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.
 - 11) A description of the type of cannabis operations; and the anticipated or actual number of employees.
 - 12) An acknowledgment and consent that the city may conduct a background investigation, including a criminal history check, and that the city will be entitled to full and complete disclosure of all financial records of the cannabis commercial entity, including records of deposit, withdrawals, balances and loans; and
 - 13) Any additional information that the city reasonably determines to be necessary in connection with the investigation and review of the application.
- C) Consistent with the MRTMA, including but not limited to MCL 333.27959(7), the MMFLA, including but not limited to MCL 333.27205(4), and the Freedom of Information Act, PA 442 of 1976, MCL 15.231 *et seq.*, the information provided to the city and city clerk pursuant to this section relative to licensure is exempt from disclosure.
 - D) All cannabis operations shall obtain all other required permits or licenses related to the operation of the cannabis commercial entity, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.
 - E) If a deficiency is identified in an application, the applicant shall have ten (10) business days to correct the deficiency after notification, or as determined by the city manager.
 - F) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it an application number by cannabis operations type.
 - G) Upon receipt of a completed application, the city clerk shall circulate the application to the city manager, city attorney, community development, fire, and police departments, assessing, and public works (as well as any other city department that the city may

determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

- H) License evaluation criteria. Section 9 of the MRTMA requires that the city establish a competitive process to select applicants who are best suited to operate in compliance with the MRTMA and this ordinance when a municipality limits the number of cannabis establishments that may be licensed in the municipality.

Under this ordinance, the City is restricting cannabis licensees to the Cannabis Overlay Districts as identified in this ordinance and the City Zoning Ordinance. In the event that the City allows more licenses categories and limits the number of those cannabis licensees, and the City will establish requirements for granting cannabis licenses under a City Council approved Resolution.

§ 15-85 Denial of application.

- A) The City Clerk's office, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the MMFLA, the rules promulgated by LARA, this ordinance, applicable city ordinances, or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.
- B) Subject to the provisions of the MRTMA, and/or the MMFLA, an applicant is ineligible to receive a license under this ordinance if any of the following circumstances exist regarding the applicant:
- 1) Conviction that involved distribution of a controlled substance to a minor.
 - 2) The applicant knowingly submitted an application for a license that contains false, misleading or fraudulent information, or has intentionally omitted pertinent information on the application for a license.
 - 3) The applicant is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the act or these rules pursuant to section 7 of the MRTMA, MCL 333.27957, and MCL 333.27402(2)(g) of the MMFLA.
 - 4) The applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Native American tribe or to an elected precinct delegate.
 - 5) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years, except that, consistent with MCL 333.27958(1)(c), a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of marihuana to a minor.
 - 6) Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state. This section does not apply to a misdemeanor or ordinance violation for the possession or use of marijuana.
 - 7) The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed cannabis operations.

- 8) The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by state law.

§ 15-86 Issuance of municipal cannabis operating license.

- A) *Inspection.* An inspection of the proposed cannabis operations facility by the city shall be required prior to issuance of the city operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any cannabis, and prior to the opening of the business to the public. The inspection is to verify that the facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this ordinance and any other applicable law, rule, or regulation.
- B) After verification that the cannabis operations facility is constructed and can be operated in accordance with the application submitted and the applicable requirements of this ordinance and any other applicable law, rule, or regulation, the city clerk shall issue a city operating license whose term shall run concurrent with the state operating license for the facility or establishment.
- C) Maintaining a valid cannabis facility or establishment license issued by the state is a condition for the issuance and maintenance of the city operating license issued under this ordinance and the continued operation of any cannabis facility and establishment.

§ 15-87 License forfeiture.

In the event that a cannabis operations facility does not commence operations within one year of issuance of a city cannabis operation license, the license shall be deemed forfeited; the business may not commence operations; notwithstanding, the license may be reviewed by the city council for renewal.

§ 15-88 License renewal.

- A) A cannabis operation license shall run concurrently with the state operating cannabis license issued for the cannabis operation, unless revoked as provided by law.
- B) An annual nonrefundable cannabis operating license fee must be paid to defray the administrative and enforcement costs associated with the operating license for a cannabis operation located in the city. A nonrefundable operating license fee will be in an amount as permitted by the MRTMA, the MMFLA, and subsequent regulations, as established by city resolution. An application to renew a cannabis operations facility or establishment operating license shall be filed at least 30 days prior to the date of its expiration.
- C) Prior to the issuance of a renewed cannabis facility or establishment license by the city, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this ordinance and any other city ordinances.

§ 15-89 Transfer, sale or purchase of license.

- A) A cannabis operation license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a cannabis operation license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this ordinance.
- B) A cannabis operating license is exclusive to the licensee. Licensees shall report material changes to the department and the city clerk before making material changes that may require prior authorization by the department. Material changes include, but are not limited to, the following:
 - 1) Change in owners, officers, members, or managers.
 - 2) Change of location. Upon notification of a change in location the department may determine that a new license and new inspection are required for the change of location.
 - 3) The addition or removal of persons disclosed in the application.
 - 4) Change in entity name.
 - 5) Any attempted transfer, sale, or other conveyance of an interest in a license.

§ 15-90 License as revocable privilege.

An operation license granted by this ordinance is a revocable privilege granted by the city and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the city's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior agency approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the city.

§ 15-91 Nonrenewal, suspension or revocation of license.

- A) The City Council shall, after 30 days' Notice and Hearing, suspend, revoke or refuse to renew a license or special land use permit for any of the following reasons:
 - 1) The applicant or licensee, or his or her agent, manager, or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this ordinance or with any applicable state or local law or regulation.
 - 2) The applicant or licensee, or his or her agent, manager, or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or
 - 3) The cannabis operations facility has been operated in a manner that adversely affects the public health, safety or welfare.
- B) Evidence to support a finding under this section is based upon the preponderance of the evidence and may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the cannabis operations or in the immediate area surrounding such business, a continuing pattern of criminal conduct

directly related to or arising from the operation of the cannabis facility, establishment or cannabis commercial entity, or an ongoing nuisance condition emanating from or caused by the cannabis facility. Criminal conduct shall be limited to the violation of a state law or regulation or city ordinance.

- C) Questions that arise in the administration of this ordinance, including appeals of suspension and revocations of city operating licenses, shall be determined by the city council or appointed person.

§ 15-92 Compliance with rules; inspections.

- A) A licensee shall strictly comply with the rules and emergency rules related to cannabis that may from time to time be promulgated by the department.
- B) If it is determined that the Marihuana Tracking Act applies, or the department promulgates rules or regulations which require such, a licensee shall adopt and use the statewide monitoring system of inventory control and tracking authorized by the Marihuana Tracking Act so as to provide the capability for the licensee to comply with the state requirements applicable to the type of license held by the licensee.
- C) Cannabis operations facilities and all articles of property within the licensed premises are subject to inspection, search and examination at any time by a member of the Charlotte Police Department, the Michigan State Police, or other law enforcement agency having jurisdiction.
- D) Any failure by a licensee to comply with department rules or the provisions of this ordinance and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of licensure under this ordinance.

§ 15-93 Signage and advertising.

- A) It shall be unlawful for any licensee to:
 - 1) Use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors; and
 - 2) Advertise in a manner that is inconsistent with the provisions of this ordinance, the MRTMA, the MMFLA, LARA rules and regulation, or is profane.
 - 3) All signage must be in compliance with City ordinance and City Zoning Ordinance, as amended.

§ 15-94 Cannabis operations security requirements.

- A) Security measures at all licensed premises shall comply with the requirements of this ordinance, its definitions, and the MMFLA and MRTMA, and including but not limited to MRTMA Marihuana establishments, requirements, and limitations. MCL 333.27961, and all applicable rules and regulations promulgated by the department.
- B) A description of the security plan shall be submitted with the license application. The security system shall be maintained in good working order and provide 24-hour per day coverage. A separate security system is required for each operation location.

- C) The security plan must include, in addition to the security plan definition, at a minimum, the following security measures:
- 1) *Cameras.* The cannabis operations facility shall install and use security cameras to monitor and record all areas of the premises (except in restrooms and locker rooms) where persons may gain or attempt to gain access to cannabis or cash maintained by the cannabis operations. Cameras shall record the operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of 30 days in a secure off-site location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The off-site location shall be included in the security plan submitted to the city and video provided to the police department upon request and updated within 72 hours of any change of such location.
 - 2) *Use of a safe or secure room for storage.* The cannabis operations facility shall install and use a safe or secure room for safe storage of any processed cannabis and cash on the premises when the business is closed to the public. The safe or secure room shall be incorporated into the building structure or securely attached thereto. For cannabis-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of the use of a safe or secure room so long as the container is affixed to the building structure.
 - 3) *Alarm system.* The cannabis operations facility shall install and use an alarm system that is monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and updated within 72 hours of any change of monitoring company.
 - 4) *Security fencing.* Processing operations' facility shall install and maintain 8ft. metal security fences around the perimeter of the property.

§ 15-95 Limits on cannabis operations licenses and locations; other requirements.
(See also Zoning Ordinance Amendment No. _____).

- A) The concentration of any specific use within a smaller geographic area can be burdensome for reasons of noise, odor, vehicle traffic congestion, excessive parking needs, security, fire, and police response. It the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial activities developed and increased, employment opportunities expanded, and positive planned land use developed.
- B) The City Council and Planning Commission are prohibited from waiving any portion of this section, except where amended by City ordinance.
- C) Cannabis facilities are subject to city ordinances and the Charlotte Zoning Ordinance, except where in conflict with the Cannabis Overlay Districts.
- D) The maximum number of each type of cannabis operation under the MMFLA and MRTMA permitted in the city is governed by the applicable zoning district and zoning regulations or as set forth in the table below and the zoning ordinance. Cannabis operations not specifically authorized in the table are prohibited. Provisions of this section do not apply to the medical use of cannabis in compliance with the Michigan Medical Marihuana Act (MMMA).

Table of marihuana / cannabis establishments:

Type of Marihuana/Cannabis Operation and Establishments	Unlimited number of Permitted Licenses within Cannabis Overlay Districts as designated below.
Marihuana Retailer / Provisioning Center	Restricted to Cannabis Overlay Districts 2-3 (North and South)
Marihuana Safety Compliance Facility	Restricted to Cannabis Overlay District 1
Marihuana Secure Transporter	Restricted to Cannabis Overlay Districts 1-3
Marihuana Processor	Restricted to Cannabis Overlay Districts 1-3 (North and South)
Marihuana Grower	Not Permitted
Excess Marihuana Grower License	Not Permitted
Marihuana Microbusinesses	Not Permitted
Designated Consumption Establishment	Not Permitted
Marihuana Related Temporary Event	Not Permitted
No other marihuana/cannabis licenses permitted	0

- E) Cannabis operations and establishment license designations permitted under this ordinance are governed by type, under section D), and additional requirements, as follows:
- 1) The operations at a licensed cannabis facility shall be conducted in compliance with the MMFLA and the MRTMA, and any rules promulgated pursuant to other laws, rules, and regulations of the state of Michigan and the City of Charlotte.
 - 2) All security measures required by the State and this ordinance shall be maintained.
 - a. Security devices and all components of those devices required by the State, and this ordinance including but not limited to, video surveillance systems, alarm systems, and locks, shall be in good working order.
 - b. Licensees shall register their video surveillance systems with the Charlotte Police Department.
 - 3) All cannabis in any form on the premises of a licensed cannabis facility shall be cultivated, manufactured, tested, sold, and packaged in the State of Michigan.
 - 4) Access to the licensed cannabis establishment is restricted to the licensee, employees of the licensee, and adult patrons aged 21 or older in establishments licensed for recreational cannabis, and the department, through its investigators, agents, auditors, or the State Police or authorized city employees acting within the scope of their employment.
 - 5) Recreational cannabis products must be separated from medical cannabis products in accordance with State law.
 - 6) A licensee shall display all cannabis facility licenses issued under this ordinance and state operating licenses in plain view clearly visible to patrons, clients, city officials, and state authorized agents.
 - 7) A licensee shall not permit or allow the sale, consumption, or use of alcohol or tobacco products on licensed premises unless it is licensed to do so by the state and the city, and/or as otherwise permitted by law.
 - 8) A licensee shall not permit or otherwise allow the use, smoke, inhalation, or consumption of cannabis, in any form, anywhere within a licensed cannabis establishment or on the property of a licensed establishment unless it is licensed to do so by the state and the city.

- 9) A licensee shall comply with the Michigan Construction Code and Americans with Disabilities Act Amendment Act of 2008 (ADAA) meeting ANSI A117.1.
- 10) Cannabis facilities shall be subject to city ordinance and the City Zoning Ordinance where applicable.
- 11) *Marihuana [cannabis] retail establishment license and Provisioning Center (collectively, "retail")*. Cannabis retail establishments shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations. The city will restrict locations and only one cannabis retail establishment licensee under the MMFLA and MRTMA shall be permitted on one continuous property.
 - a. All retail and sale operations must be within an enclosed, secure structure.
 - b. A retail licensee may occupy the same premises if holding a processor license for the premises, and otherwise consistent with the MMFLA and MRTMA, and any LARA rules.
 - c. A retail license authorizes the purchase of cannabis only from processors of cannabis-infused products or cannabis only to a marihuana [cannabis] retailer/provisioning center, unless otherwise provided for under LARA rules.
 - d. An applicant and each investor in a retail license shall not have an interest in a secure transporter, safety compliance establishment or microbusiness.
- 12) *Marihuana [cannabis] processor license*. Cannabis processor shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations. The city will restrict locations and only one cannabis processor licensee under the MMFLA and MRTMA shall be permitted on one continuous property.
 - a. All processor operations must be within an enclosed, secured structure.
 - b. The location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Charlotte Zoning Ordinance.
 - c. An approved security plan.
 - d. Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.
 - e. Transfer cannabis and cannabis-infused products only by means of a secure transporter, or in compliance with LARA rules.
 - f. Processor shall not produce any products other than useable cannabis products intended for human consumption.
 - g. Odor control. Cannabis operations shall be subject to the provisions of this ordinance and city resolution.
- 13) *Marihuana secure transporter license*. Marihuana secure transporter shall comply with all of the provisions of the MMFLA, MRTMA, and applicable LARA rules and regulations. Secure transporter must meet the following requirements:
 - a. Secure transporter license is limited to the storage and transport of cannabis, cannabis-infused products and money associated with the purchase or sale of cannabis and cannabis-infused products between cannabis establishments at the request of a person with legal custody of the cannabis, cannabis-infused products, or money.

- b. An applicant and each investor with an interest in a secure transporter license cannot have an interest in a grower, processor, marihuana [cannabis] retailer, or safety compliance facility.

14) *Marihuana safety compliance facility license.* Marihuana safety compliance facility shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and must meet the following requirements:

- a. All testing must be conducted within an enclosed, secured structure.
- b. A safety compliance facility must be accredited by an entity approved by the Cannabis Regulatory Agency by one year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services. The agency may grant a variance from this requirement upon a finding that the variance is necessary to protect and preserve the public health, safety, or welfare.
- c. An applicant and each investor with any interest in a safety compliance facility cannot have an interest in a grower, secure transporter, processor, or marihuana [cannabis] retailer.

15) *Social Equity Plan.*

- a. All cannabis license applicants shall provide a copy of its social equity plan ("Plan") submitted to the State. The Plan must detail any practices, initiatives, or policies the applicant will implement to promote and encourage participation in the cannabis industry by people from communities that have been disproportionately impacted by cannabis prohibition and enforcement and to positively impact those communities.
- b. All licensees shall make a good faith effort to meet the objectives of the social equity plan submitted with the application or license renewal. "Good faith effort" means efforts designed to implement the established objectives of the licensee's Social Equity Plan which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Plan objective. License renewals shall require reporting on the licensee's good faith efforts under this section.

F) *Zoning districts permitted for cannabis operations and geographic boundaries.* Special regulations of cannabis operations have been deemed necessary to limit the intensity and density of this use. Processor, retail establishments, safety compliance facility, and secure transporter licensees, shall be a special land use and restricted to and only permitted within the following city cannabis zoning districts within the permitted geographic boundaries, identified by legal descriptions and zoning maps, that may be amended as necessary by city resolution.

1) Cannabis Overlay District #1,

[insert map, legal description, sketch]

2) Cannabis Overlay District #2,

[insert map, legal description, sketch]

3) Cannabis Overlay District #3 (North)

[insert map, sketch, legal description]

Cannabis Overlay District #3 (South)

[insert map, sketch, legal description]

(*See, Attachment A: Cannabis Overlay District Maps, sketches, and legal descriptions.)

- G) *Separation distance measurements.* The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this subsection to the nearest property line of the parcel used as a cannabis operations facility.
- H) *Applicability.* The location and co-location of authorized cannabis operations shall be determined as follows:
- 1) The following minimum-distancing regulations shall apply to cannabis operations. Processor and Retail licensees shall not be located within:
 - a. Five Hundred feet of a childcare center, or a school,
 - 2) Minimum-distancing regulations do not include secure transporters or safety compliance facilities.
 - 3) A cannabis operations licensee shall not operate at any place in the city other than the address provided in the application on file with the city clerk.
 - 4) *Co-location and stacked licenses.* There may be only one state operating license per parcel, except co-location of one retail license and one processor license are permitted per parcel.
 - 5) *Zoning application requirements.* Each zoning application shall be accompanied by a detailed site plan and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require planning department review or special land use approval. If more than one use is being requested for a parcel at the same time (e.g., co-location) only one application shall be processed. Only one application shall be processed per parcel at a time; once a zoning application is submitted, any other zoning applications for the same parcel will be rejected until the first zoning application is decided. All items must be satisfactorily completed for a zoning application to be considered eligible for review.
 - a. *Verification.* A signed statement by the applicant indicating the proposed cannabis operations type, including if the proposed type involves co-location and the number of licenses.
 - b. *Consent.* A notarized statement by the property owner that acknowledges use of the property for a cannabis operations facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis operations facility. Written consent shall also include approval of the owner and operator for the city to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
 - c. *LARA.* A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for the state

operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

- d. *Required LARA Cannabis facility plans, and security plans shall be submitted.* Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be made available upon request when such information is necessary and reasonably related to the application review.
- 6) A comprehensive operation plan for the cannabis establishment which shall contain, at a minimum, the following:
- a. A security plan, consistent with the definition of security plan within this ordinance, indicating how the applicant will comply with the requirements of this ordinance and any other applicable law, rule, or regulation.
 - b. For processing establishments, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city.
 - c. A lighting plan showing the lighting outside of the cannabis establishment for security purposes and compliance with applicable city requirements.
 - d. A plan for disposal of any cannabis or cannabis-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
 - e. A plan for ventilation of the cannabis establishment that describes the ventilation systems that will be used to prevent any objectionable odor of cannabis off the premises of the business. For cannabis establishments that process cannabis plants and/or cannabis-infused products, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any objectionable odors from leaving the premises. For cannabis businesses that produce cannabis-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
 - f. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that will be used or kept at the cannabis business, the location of such materials, and how such materials will be stored.
 - g. For processing establishments, an applicant must submit water main plans including projected peak daily and seasonal 24-hour water usage requirements to the City of Charlotte Water Department for a review of the city's water model. Applicants may be required to construct the needed water system to city standards at their cost. Design will be required by the developer's engineers with reviews by city staff. Should this new water main be required to become part of the city's water system all required permits shall be submitted with the required plans and profiles to city staff for submittal to the State of Michigan. No installation of water mains shall be completed prior to receipt of the proper permits from the state. The associated costs may include, but are not limited to:
 - i. Connection fees per city ordinances.
 - ii. Costs for analysis and review of the city's water model.

- iii. Costs for any required flow testing.
 - h. The City of Charlotte Water Department reserves the right to deny or curtail water service to any applicant based on the applicant's failure to meet the requirements of the City of Charlotte's water system or any other use that causes a negative impact to the City of Charlotte's water system. Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the city detailed construction drawings showing at minimum, a full site plan, interior and exterior lighting requirements, the full mechanical heating and ventilation plan, a detailed security plan, before and after floor plans and specifications, non-rated and rated separation details and locations, accessible route from the public way to the accessible entrance, accessible route to the primary function and within the facility and accessible bathrooms. The licensee shall make an application for a plan review and a building permit for the modifications to the premises, on forms provided by the city. Additional specifications may be required. A building or structure hereafter constructed or renovated for use as a cannabis establishment shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the city. Wastewater compliance will be required and subject to the City, federal, and state laws and applicable regulations.
- 7) *Proof of Insurance.* Evidence of a valid and effective policy for general liability insurance within minimum limits of \$1,000,000.00 per occurrence and a \$5,000,000.00 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++ shall be produced that includes the name(s) of the insured, effective and expiration dates, and policy number. The City Council, and its City officials, and employees shall be named as additional insureds. The city shall be notified of any cancellation, expiration, reduction in coverage, or other policy changes within five business days of the event.
 - 8) *Site plan.* Existing and proposed site changes must be submitted that demonstrate compliance with this ordinance and city ordinances and codes.
 - 9) *Sign and lighting plan.* A sign and lighting plan for the exterior of the building and any interior signs that will be visible to the public from the public right-of-way shall be submitted with sizes, lighting, and locations. All lighting fixtures visible to the public shall be identified by location, type, and intensity.
 - 10) *Radius.* A map, drawn to scale, containing all childcare centers, schools.
 - l) *Marihuana [cannabis] operations.* Cannabis operation facilities must be operated in compliance with all applicable state laws, LARA rules, all conditions of the cannabis operations state operating licenses, and all applicable city ordinances.
 - 1) *Security plan.* A cannabis operator must have a city police department approved security plan prior to operation.
 - 2) *Facility exterior.* The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the master plan.
 - 3) No cannabis or equipment used in the retail, growing, production, processing, or transport of cannabis can be placed or stored outside of an enclosed code complaint building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or cannabis is not left in an unattended vehicle.

- 4) Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention.
- 5) Neither cannabis nor cannabis-infused products may be directly visible from the exterior of the cannabis operations facility/building(s).
- 6) Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.

§ 15-96 Odor control.

- A) No person, tenant, occupant, or property owner, who cultivates, grows, processes, or uses cannabis for any purpose shall propagate or permit the emission of objectionable odors that may cause or result in a nuisance to the public or that endanger the health, safety and welfare of the public, to emanate from any source on the property to result in such detectable odors that leave the premises upon which they originated.
- B) An odor is per se objectionable if odor is detectable in the ambient air that is greater than a 7/1 dilution threshold (D/T) for two samples not less than 15 minutes apart during a one-hour period measured by a field olfactometer device at the boundaries of the property as determined at the street right-of-way, or property line.
- C) A processor shall install and maintain in operable condition a system which precludes the emission of objectionable cannabis odor emanating from the premises.
- D) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
- E) Air contaminants must be controlled and eliminated by the following methods:
 - 1) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building.
 - 2) Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
 - 3) The filter(s) shall be rated for the applicable CFM.
 - 4) An air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - 5) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - 6) A variance may be granted for an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- F) For purposes of this section, "air contaminants" means stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
- G) A cannabis operation shall not be granted a state operating license until the findings and approvals of this section are completed.
- H) Prosecution for violation; civil penalty.
 - 1) Any person or entity failing to comply with this ordinance shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine as follows: \$100.00 initial violation, \$250.00 second violation, and \$500.00 third (or any subsequent) violation. Municipal civil infraction violations are made payable at the

city municipal ordinance violation bureau. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues shall be deemed to be a separate offense.

- 2) In addition to the remedies described above, the city may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, including injunctive relief.
- 3) Jurisdiction for district court citations and legal action to enforce this ordinance, the City Code, and state law, vest in the state courts of Eaton County.

§ 15-97 Prohibited acts.

It shall be unlawful for any cannabis business, entity, or person, to operate within the city's jurisdiction in violation of this ordinance, MMMA, MMFLA MRTMA, LARA rules and regulations.

§ 15-98 Reports of crime.

Reports of all criminal activities or attempts of violation of any law at the cannabis establishment or related thereto shall be reported to the Charlotte Police Department upon discovery.

§ 15-99 Compliance with law, environmental; other laws remain applicable.

The cannabis facility shall be compliant and subject to all relevant state law and federal environmental laws and regulations, and city ordinances and codes that may be adopted and enforced.

To the extent the State of Michigan adopts in the future recodification of the MMFLA and MRTMA, any additional or stricter law or regulation governing the sale or distribution of marihuana, cannabis, the recodification, additional or stricter regulation shall control the cannabis operation of any cannabis commercial entity in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

§ 15-100 Grant of administrative authority.

The city is granted the power and duty to fully and effectively implement and administer the license application process and issuance of licenses issued by the city under this ordinance.

§ 15-101. Violations and penalties.

- A) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this ordinance, any person or cannabis operation, including, but not limited to, any licensee, manager or employee of a cannabis commercial entity, who violates any of the provisions of this ordinance, shall be responsible for a municipal civil infraction and a fine of \$500.00, or as permitted by law, as established by resolution.
- B) In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the MRTMA, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.

- C) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any state law, or inconsistent with any rule or penalty which is promulgated by the department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the state law or department rule or penalty shall govern over the provisions of this ordinance, as determined by state preemption.
- D) A violation of this ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this ordinance and such other relief as may be provided by law.
- E) Each day on which any violation of this ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this ordinance shall not exempt the offender from meeting the requirements of this ordinance.
- F) This ordinance shall be administered and enforced by the city or by such other person(s) as designated by the city.

§ 15-102 Additional provisions.

- A) Notwithstanding any provision herein, to the extent it may be determined that any provision in this ordinance is in conflict with either the MRTMA, the MMFLA, the MMMA, or the rules and regulations of LARA, or other provisions of law, then such provision of this ordinance as is in conflict shall be subject to and preempted by the rule or provision of law of this state.
- B) Consistent with the provisions of the MRTMA, the MMFLA, and the MMMA, nothing herein shall prevent any employer from disciplining any employee for violation of a workplace drug policy or for working while under the influence of cannabis, nor does anything in this ordinance prevent an employer from developing workplace policies, or from refusing to hire a person because of that person's violation of a workplace drug policy.
- C) Consistent with the MRTMA and the MMMA, nothing in this ordinance prevents a landlord from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale or display of cannabis and cannabis accessories on leased property except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking as set forth in the MRTMA, the MMMA, and the LARA rules.

§ 15-103 Severability.

It is the legislative intent of the City by adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the residents of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

§ 15-104 Code Edits.

The editors of the Charlotte City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this ordinance.

§ 15-105 Section Headings.

The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

§ 15-106 Publication.

This ordinance shall be published in the _____, a newspaper of general circulation in the City of Charlotte qualified under state law to publish legal notices, within thirty (30) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

§ 15-107 Effective.

This Ordinance be effective publication upon the expiration of 30 days after publication.

Introduced by the Charlotte City Council this ____ day of _____, 2023.

Adopted by the Charlotte City Council this ____ day of _____, ____.

Motion by
Second by

Ayes:

Nays:

Absent:

Approved:

Michael Armitage, Mayor

I, Mary LaRocque, Clerk of the City of Charlotte, hereby certify that the foregoing Ordinance was adopted on the ____ day of _____, 2023 and published on the ____ day of _____, 2023 as provided by law.

Mary LaRocque, Clerk