

VILLAGE OF CASNOVIA
COUNTIES of KENT AND MUSKEGON, MICHIGAN

At a regular meeting of the Village of Casnovia, held at the Village Hall, 141 N. Main Street, within the Village, on the 8th day of November, 2021 at 6:30 p.m.

PRESENT: Members: Morris, Frary, Kahrs, Palinski, and Bennit.

ABSENT: Members: None.

The following ordinance was offered by Member Kahrs and supported by Palinski:

**An Ordinance to adopt the Zoning Ordinance of the
Village of Casnovia**

ORDINANCE NO. 2021-04

**MEDICAL MARIJUANA FACILITIES AND RECREATIONAL MARIJUANA
ESTABLISHMENTS AS SPECIAL LAND USES**

THE VILLAGE OF CASNOVIA ORDAINS:

1. DEFINITIONS: For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - a) Any term defined by the Michigan Medical Marijuana Act (MMMA), MCL 33.26421, et seq. shall have the definition given in the Medical Marijuana Act and any amendments thereto.
 - b) Any term defined by the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq. shall have the definition given in the Marijuana Facilities Licensing Act, and amendments thereto.
 - c) Any term defined by the Medical Marijuana Tracking Act (MMTA), MCL 333.27901, et seq. shall have the definition given in the Medical Marijuana Tracking Act, and amendments thereto.
 - d) *Application*: means an application for a Permit under this ordinance and includes all supplemental documentation attached or required to be attached thereto; the person filing the application shall be known as the "Applicant."

- e) Commercial Marijuana Facility means the following:
 - 1) "Provisioning Center," as the term defined in the MMFLA;
 - 2) "Processor," as the term is defined in the MMFLA;
 - 3) "Secure Transporter," as that term is defined in the MMFLA;
 - 4) "Grower," as that term is defined in the MMFLA;
 - 5) "Safety Compliance Facility," as that term is defined in the MMFLA;
- (f) *License* means a current and valid License for a Commercial Marijuana Facility issued by the State of Michigan.
- (g) *Licensee*: means a person holding current and valid Michigan License for a Commercial Marijuana Facility.
- (h) *Permit*: means a current and valid Permit for a Commercial Marijuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premise and a specific Permitted Property.
- (i) *Permit Holder*: means the person that holds a current and valid Permit issued under this Ordinance.
- (j) *Permitted Premises*: means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.
- (k) *Permitted Property*: means the real property comprised of a lot, parcel or other designate unit of real property upon which the Permitted Premises is situated.
- (l) *Primary Caregiver Operation*: means a location where a Primary Caregiver can lawfully operate as permitted by the MMMA and this Ordinance. A Primary Caregiver Operation is not a Commercial Medical Marijuana Facility.
- (m) *Marijuana*: means that term as defined in Section 7106 of the Michigan Public Health Code. 1978 PA 368, MCL 33.7106
- (n) *Medical Marijuana*: means that term as defined in MCL 33.26423

- (o) *Paraphernalia*: means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368.7451, that is or may be used in association with Medical Marijuana.
- (p) *Person*: means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

2. AUTHORIZATION OF COMMERCIAL MARIJUANA FACILITIES

The following marijuana facilities may be authorized to operate within the Village of Casnovia by the holder of a state operating license, subject to compliance with PA 281 of 2016, as amended, the Rules promulgated thereunder and this ordinance:

- (a) Not more than one (1) grower shall be authorized in the Village.
- (b) Not more than one (1) processor shall be authorized in the Village.
- (c) Not more than one (1) provisioning center shall be authorized in the Village.
- (d) Not more than one (1) safety compliance facility shall be authorized in the Village.
- (e) Not more than one (1) secure transporter shall be authorized in the Village.

3. PERMIT REQUIRED FOR COMMERCIAL MARIJUANA FACILITIES

- (a) No person shall operate a Commercial Marijuana Facility in the Village of Casnovia without a valid Commercial Marijuana Facility Permit issued by the Village of Casnovia pursuant to the provisions of this ordinance.
- (b) An application fee shall be paid by each Commercial Marijuana Facility Applicant under this ordinance in an annual amount of five thousand dollars (\$5,000.00) as set by resolution of the Casnovia Village Council.
- (c) No permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and has been granted a Permit by the Village of Casnovia. No permit issued under the Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.

- (d) A Permit Holder may not engage in any other Commercial Marijuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Village, without first obtaining a separate Permit.
- (e) No Permit shall be granted or renewed for a Commercial Marijuana Facility in a residence or in any area of the Village where the predominant land use of the proposed Marijuana Facility is residential.

4. APPLICATION FOR AND RENEWAL PERMITS

(a). **An Application for a Permit for a Facility** shall be submitted to the Village Council and contain the following information:

- (1) The name, address, phone number(s) and e-mail address of the proposed Permit Holder and the proposed Commercial Marijuana Facility.
- (2) The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and Commercial Marijuana Facility.
- (3) One (1) copy of all the following:
 - (a) All documentation showing the proposed Permit Holder's valid tenancy, ownership or legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Marijuana Facility.
 - (b) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicates its legal status, attach a copy of all company formation documents, including amendments, proof of registration with the State of Michigan, and a certificate of good standing.
 - (c) A valid, unexpired driver's license or state ID for all owners, directors, officers and managers of the proposed facility.
 - (d) Evidence of a valid sales tax license for the business as required by the State of Michigan.
 - (e) Application for Sign Permit, if any sign is proposed.
 - (f) Application fee of five thousand dollars (\$5,000.00).
 - (g) Business and Operation Plan, showing in detail the Commercial Marijuana Facility's proposed plan of operation, including without limitation, the following:

1. A description of the type of Facility proposed and the anticipated or actual number of employees.
 2. A security plan, which shall include a general description of the security system, current centrally alarmed and monitored security system service agreement for the Proposed Premises and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 3. A description by category of all products to be sold.
 4. A list of Material Safety Data Sheets for all nutrients, pesticides and other chemicals proposed for use in the Commercial Marijuana Facility.
 5. A description plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no order will be detectible from outside of the Permitted Premises.
 6. A plan for the disposal of Marijuana and related byproducts that will be used at the Facility.
- (h) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marijuana for the Facility.
- (i) Whether any 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, restrictions, suspension, revocation or nonrenewable, including the licensing authority, the date each action was taken and the reason for each action.
- (j) Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
- (k) Information regarding any other Commercial Marijuana facility that the Licensee is authorized to operate in any other jurisdiction within the State of Michigan, or any other State, and the applicant's involvement in each Facility.
- (l) Proposed establishment for adequate legal parking.
- (m) The Village Council has no obligation to process or approve an incomplete Application. The Village Council may require additional information to the application.

b) Renewal Application

The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications must be submitted to the Village Council not less than ninety (90) days prior to the expiration of the annual permit. Application requesting a change to the location of the Permitted Premises shall be submitted and received no less than one hundred twenty (120) days prior to the expiration of the Permit.

c) Duty to Inform the Village Council

1) If at any time after the Permit is issued, any information required in the Application, the MMFLA, or any rule or regulation changes in any way as stated in the Application, the Applicant or Licensee shall provide such information to the Village Council within ten (10) days from the date upon which it occurs.

2) An Application or Permit Holder must notify the Village Council in writing of any pending criminal charge, conviction or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager or employee within ten (10) days of the event.

5. OPERATIONAL REQUIREMENTS FOR COMMERCIAL MARIJUANA FACILITIES

(a) Scope of Operation: Commercial Marijuana Facilities shall comply with applicable local zoning and building codes and must have all necessary building, electrical, plumbing and mechanical permits. The Facility must hold a valid Permit and State Marijuana Facility License for the type of Commercial Facility intended to be carried out on the Permitted Property. The Facility Operator, owner, Licensee must also have documentation available by State Sales Tax, including all necessary licenses.

(b) The Commercial Marijuana Facility shall be operated from the Permitted Premises on the Permitted Property and shall not be permitted to operate from a moveable, mobile or transitory location except for a Permitted and Licensed Transporter when engaged in the lawful transport of Marijuana. Nor shall the Facility operate a drive-through facility.

(c) No persons under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.

(d) Permit holders shall at all times maintain a security system that meets the State law requirements, including:

1) Security surveillance cameras to monitor all entrances and the interior and exterior of the Permitted Premises.

- 2) Robbery and burglary alarm system which are professionally monitored twenty-four (24) hours a day, seven (7) days a week.
 - 3) A locking safe permanently fixed to the Premises that shall store Marijuana and cash remaining in the Facility overnight.
 - 4) All Marijuana products shall be kept in a secure manner not visible from the outside nor shall be grown, processed, exchanged, displayed or dispensed outside the Premises.
 - 5) All security recordings shall be maintained for forty-eight (48) hours and made available to law enforcement upon request for inspection.
- (e) No Permitted Facility shall operate between the hours of 10:00 p.m. and 8:00 a.m.
 - (f) No Permitted Facility shall operate within two hundred (200) feet of any church, house of worship, day care center, or public or private park, with the minimum distance between uses measured horizontally between the nearest property lines.
 - (g) Sale, consumption or use of alcohol or other tobacco products on the Permitted Premises is prohibited.
 - (h) All activities of Commercial marijuana Facilities without limitation, distribution, growth, cultivation or sale of Marijuana and related activity permitted under the Permit Holder's license must occur indoors in the Facility.
 - (i) A person may not grow his or her personal Marijuana at the Commercial Facility.
 - (j) The Permit Holder, owner and operator of the Facility shall use lawful methods of controlling waste of byproducts from any activity allowed by the Permit.
 - (k) Marijuana may be transported by a Secure Transporter within the Village only:
 - 1) By Persons authorized by state law to possess Marijuana for medical purposes.
 - 2) In a manner consistent with all state laws and rules.
 - 3) No vehicle used for transport shall have any markings of the words "Marijuana," "cannabis," or any similar words, phrases or symbol(s) indicating it is transporting Marijuana.
 - 4) No vehicle may be used for ongoing or continued storage of marijuana.
 - (l) The Village Council may impose reasonable terms and conditions not stated in this Ordinance as may be necessary to protect public health, safety and welfare of the community.

6. VIOLATIONS

- a) A Permit Holder's failure to comply with provisions of this ordinance, or any other ordinance in the Village of Casnovia, or state operating requirements are grounds for suspension and/or revocation of their license in addition to possible penalties provided by law. The Village Council may also request LARA to revoke and/or refrain from renewing the Permit Holder's operating.
- b) After the revocation and/or suspension of their license, the permit Holder shall not be able to operate a Marijuana Facility in the Village of Casnovia nor be a participant in another Commercial Marijuana Facility.

7. PUBLICATION

This ordinance shall become effective seven (7) days after its publication or seven (7) days after publication of a summary of its provisions to a local newspaper as provided by law.

AYES: Members: Morris, Frary, Kahrs, Palinski, and Bennitt.

NAYS: Members: None.

ORDINANCE DECLARED ADOPTED.



Shelley Carr, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village of Casnovia at a regular meeting held on November 8, 2021. I further certify that the public notice of said meeting was given by law.



Shelley Carr, Village Clerk