

VILLAGE OF DECATUR

ORDINANCE NO. 2019-004

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE VILLAGE OF DECATUR, MICHIGAN AND TO PROVIDE PENALTIES FOR VIOLATIONS.

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1: TITLE

The purpose of this Ordinance is to regulate recreational marihuana establishments, which include marihuana growers, marihuana safety compliance facilities, marihuana processors, marihuana microbusinesses, marihuana retailers, marihuana secure transporters, or any other type of recreational marihuana-related business licensed by the State of Michigan. The Village finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is, therefore, necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for recreational marihuana use found in the Michigan Regulation and Taxation of Marihuana Act.

SECTION 2: LEGISLATIVE INTENT

This Ordinance shall be known and may be cited as the Village of Decatur Regulation of Recreational Marihuana Ordinance.

SECTION 3: DEFINITIONS

The following words and phrases used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the Michigan Department of Licensing and Regulatory Affairs.
- (c) "Designated consumption establishment" means a commercial space that is licensed by LARA and authorized to permit adults 21 years of age and older to consumer marihuana products at the location indicated on the state license.
- (d) "Excess Marihuana Grower" means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (e) "Industrial Hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.
- (f) "Licensee" means a person holding a state license.
- (g) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
 - (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

- (2) industrial hemp; or
- (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- (h) "Marihuana Accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (i) "Marihuana Concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- (j) "Marihuana Establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (k) "Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license.
- (l) "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments:
 - (1) Class A – 100 marihuana plants;
 - (2) Class B – 500 marihuana plants;
 - (3) Class C – 2000 marihuana plants.
- (m) "Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (n) "Marihuana Microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (o) "Marihuana Processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (p) "Marihuana Retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (q) "Marihuana Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (r) "Marihuana Safety Compliance Facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (s) "Municipal License" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.
- (t) "Municipality" means the Village of Decatur.
- (u) "Outdoor Grow" means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.
- (v) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (w) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- (x) "School" means a public or private licensed pre-school, or a public, private, or charter elementary, middle, junior high, or high school, vocational school, secondary school, community college, or other institution of higher education.

- (y) "State License" means a license issued by the department that allows a person to operate a marihuana establishment.
- (z) "Temporary Marihuana Event License" means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.
- (aa) "Unreasonably Impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this 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 marihuana establishment.

SECTION 4 - AUTHORIZED MARIHUANA FACILITIES

1. The following marihuana establishments may be authorized to operate within the Village by the holder of a state operating license, subject to compliance with the Michigan Regulation and Taxation Act ("MRTMA"), as may be amended, the Rules promulgated thereunder and this ordinance.
 - a. Unlimited Marihuana Growers shall be authorized in the Village, which number shall include all of the following Class A, Class B and Class C growers authorized in the Village.
 - i. Unlimited Class A Growers (100 marihuana plants) may be authorized in the Village.
 - ii. Unlimited Class B Growers (500 marihuana plants) may be authorized in the Village.
 - iii. Unlimited Class C Growers (2,000 marihuana plants) may be authorized in the Village.
 - iv. Zero (0) Excess Marihuana Grower licenses shall be authorized in the Village.
 - b. Unlimited Marihuana Processors shall be authorized in the Village.
 - c. Unlimited Marihuana Retailers shall be authorized in the Village.
 - d. Unlimited Marihuana Microbusinesses shall be authorized in the Village.
 - e. Unlimited Marihuana Safety Compliance Facilities shall be authorized in the Village.
 - f. Unlimited Marihuana Secure Transporters shall be authorized in the Village.
 - g. Zero (0) Designated Consumption Establishments shall be authorized in the Village.
 - h. Zero (0) Marihuana Event Organizer licenses shall be authorized in the Village.
 - i. Zero (0) Temporary Marihuana Event licenses shall be authorized in the Village.
2. On and after November 1st, 2019, the Village shall accept applications for authorization to operate a marihuana establishment within the Village. The application shall be made on a Village form and must be submitted to the Village Clerk and/or another designee of the Village Council (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual marihuana establishment fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such marihuana establishment within the Village.
3. Within thirty days from conditional authorization by the Village or from November 1st, 2019, whichever is later, the conditionally authorized application must submit proof to the Clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted a full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section IV (B) herein.
4. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the

conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section IV (B) herein.

5. A conditionally authorized applicant shall receive full authorization from the Village to operate the marihuana establishment within the Village upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the marihuana establishment in the Village and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the facility within the Village.
6. If a conditionally authorized applicant fails to obtain full authorization from the Village within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section IV (B) herein. The Village Council shall have the authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Village Council finding good cause for the extension.

SECTION 5: GENERAL REGULATIONS REGARDING AUTHORIZED MARIHUANA ESTABLISHMENTS

1. An authorized marihuana establishment shall only be operated within the Village by the holder of a state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
2. Prior to operating an authorized marihuana establishment within the Village pursuant to a state operating license, the facility must comply with all applicable zoning regulations. The facility shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.
3. An authorized marihuana establishment shall consent to inspection of the facility by Village officials and/or by the Village of Decatur Police Department, upon reasonable notice, to verify compliance with this ordinance.
4. If at any time an authorized marihuana establishment violates this ordinance, the Village Council may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Village authorization and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section 4 (B) herein.
5. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized marihuana establishment a vested right, license, privilege or permit to continued authorization from the Village for operations within the Village.
6. The Village expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or the number of authorized marihuana establishments authorized to operate within the Village.

SECTION 6: COMPOSITION OF LOCAL LICENSING AUTHORITY

1. The Village of Decatur Council is designated as the local licensing authority. The Village Council may by resolution delegate its authority or a portion of such authority to a new committee or another designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Michigan Regulation and Taxation of Marihuana Act ("MRTMA") in this Ordinance to grant or deny an application described in this Ordinance and to levy penalties against the licensee in the manner provided by law.
2. The local licensing authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, changes in trade name, and any other appropriate application.
3. The local licensing authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority.
4. The local licensing authority shall have the power to require any application or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this Ordinance.

SECTION 7: APPLICATION FOR LICENSE TO OPERATE A MARIHUANA ESTABLISHMENT

1. The Village shall review each application submitted to the State of Michigan in order to determine whether the applicant and the premises comply with the Village Ordinances. The Village shall notify the State whether the proposed marihuana establishment is in compliance with Village Ordinances.
2. No person shall hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness. No person shall hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter, and no person shall hold an ownership interest in more than five marihuana growers or in more than one marihuana microbusiness.
3. All Village licenses are effective for one (1) year. The Village license may be renewed upon receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing.

SECTION 8: LICENSE ALLOCATION AND ANNUAL FEES

There is hereby established a Village marihuana establishment fee in the amount of \$5,000.00, for each authorized marihuana establishment within the Village, to help defray administrative and enforcement costs associated therewith. An initial annual marihuana establishment fee of \$5,000.00 shall be payable at the time of application for Village authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Village authorization to operate the marihuana establishment.

SECTION 9: LICENSE APPLICATION SUBMISSION

1. Application for each marihuana establishment license required by this Ordinance shall be submitted on forms provided by the Village of Decatur and must be approved by the Village Council after receiving a recommendation submitted by the Planning Commission. All establishments shall be approved by the State of Michigan, prior to commencing operation. Upon the expiration of an existing license, a license will be automatically renewed by the Village of Decatur for one (1) year if (1) there are no uncured administrative violations in the prior year; (2) the applicant has paid the annual licensing fee for the renewal period; (3) any Stakeholder changes have been fully disclosed to the Village of Decatur; and (4) the applicant has paid and received the renewal of its State license.
2. Upon receipt of a completed marihuana establishment application meeting the requirements of this Ordinance and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to Section 4 above, the Village may refer a copy of the application to each of the following for their review and approval: the Village Attorney or their designee, the Police Department or their designee, the Fire Department or their designee, the Building Department, the Zoning Administrator or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the Village may forward the applications to the Planning Commission for recommendation to the Village Council.

SECTION 10: LICENSE APPLICATIONS EVALUATION

1. The Village Council shall assess all applications referred to it by the Village Administrator.
2. In its application deliberations, the Village Council shall assess each application in each of the following categories:
 - a. The applicant's experience in operating other similarly licensed businesses.
 - b. The applicant's general business management experience.
 - c. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
 - d. Whether the applicant or stakeholder is currently under indictment for or has been arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any relevant criminal offense under the laws of any jurisdiction, either a felony or misdemeanor, not including traffic violations.
 - e. Whether the applicant or stakeholder has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for

one (1) or more years.

- f. Whether the applicant or stakeholder has a history of non-compliance with any regulatory requirements in this state or any other jurisdiction.
3. The Village Council shall assess each application under the aforementioned categories and may issue a license to the applicant if an applicant has satisfactorily met all requirements.

SECTION 11: LICENSES GENERALLY

1. To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et.seq.
2. Licensees may transfer a license issued under this Ordinance to a different location upon receiving written approval from the Village. In order to receive approval to transfer a license location, the licensee must make a written request to the Village, indicating the current license location and the proposed license location, upon receiving the written request, the Village shall refer a copy of the written request to each of the following for their approval: the Fire Department or their designee, the Building Department, the Police Department or their designee, the Zoning Administrator or other Village official or their designee, and the Village Council. No License transfer shall be approved unless each such individual or department gives written approval that the Licensee and the proposed License location meet the standards identified in this Ordinance. A license transfer fee shall be established by Village Council through resolution.
3. Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval by the Village. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the Village, indicating the current licensee and the proposed licensee. Upon receiving the written request, the Village shall consider the request as a new application for a license. A license transfer fee shall be established by Village Council through resolution.
4. Licensees shall report any other change in the information required by this Ordinance to the Village within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

SECTION 12: MINIMAL OPERATIONAL STANDARDS OF RETAIL CENTERS

The following minimum standards for retail centers shall apply:

1. No retail center shall be open to the public between the hours of 9:00 PM and 6:00 AM.
2. Consumption of marihuana shall be prohibited in the retail center, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
3. Retail centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras.
4. The public or common areas of the retail center must be separated from restricted or non-public areas of the marihuana establishment.
5. All marihuana storage areas within the retail center must be separated from any customer areas by a permanent barrier. Marihuana may be displayed in a sales area.
6. Any usable marihuana remaining on the premises of a retail center while the retail center is not in operation shall be secured from the public.
7. Drive-through window on the premises of a retail center shall not be permitted.
8. The retail center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
9. No retail center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
10. The license required by this Ordinance shall be prominently displayed on the premises of a marihuana

establishment.

11. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with state laws.
12. All marihuana shall be packaged and labeled as provided by state laws.
13. The premises shall be open, at all times, to any Michigan Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of the marihuana establishment.
 - b. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
14. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
15. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
16. It shall be prohibited to use the symbol or image of a Marihuana leaf in any exterior building signage.
17. No licensed marihuana establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school.

SECTION 13: MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY

The following minimum standards for grower facility shall apply:

1. The grower facility shall comply at all times and in all circumstances with the MRTMA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
2. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of the marihuana establishment;
 - b. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment;
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
3. Any grower facility shall maintain a logbook and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the MRTMA.

4. All marihuana shall be contained within an enclosed locked facility.
5. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.
6. That portion of the structure storing any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Village of Decatur Fire Department to ensure compliance with all applicable statutes, codes, and Ordinances;
7. The dispensing of marihuana at the grower facility shall be prohibited.
8. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;
 - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination until the condition is corrected.
9. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where marihuana is exposed.
10. Floors, walls, and ceiling shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
11. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
12. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
13. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
14. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
15. Grower facility shall be free from infestation by insects, rodents, birds, or vermin of any kind;
16. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.

SECTION 14: MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY

The following minimum standards for Safety Compliance Facility shall apply:

1. The Safety Compliance Facility shall comply at all times and in all circumstances with the MRTMA and or applicable State laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
2. Consumption and/or use of marihuana shall be prohibited at the facility;
3. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of marihuana establishment.

- b. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employee or employees fail to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 - d. To investigate alleged violations of the MRTMA or applicable state laws.
4. Any Safety Compliance Facility shall maintain a logbook and/or database which complies with the MRTMA or applicable state laws.
 5. All marihuana shall be contained within the building in an enclosed locked facility in accordance with the MRTMA, as amended, or applicable state laws.
 6. There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana
 7. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.
 8. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
 9. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 10. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
 11. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
 12. Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.

SECTION 15: MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY

The following minimum standards for processor facility shall apply:

1. The processor shall comply at all times and in all circumstances with the MRTMA, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
2. Consumption and/or use of marihuana shall be prohibited at the processor facility.
3. All activities related to the processor facility shall be done indoors.
4. The premises shall be open, at all times, to any MRTMA Licensing Board investigators, agents, auditors, or police, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - a. To inspect and examine all premises of the marihuana establishment;
 - b. To inspect, examine, and audit relevant records of the licensee and, of the licensee or any managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - c. To inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder of state operating license while that person is present in a marihuana establishment.
 - d. To investigate alleged violations of the MRTMA or applicable state laws.

5. Any processor facility shall maintain a logbook and/or database which complies with the MRTMA, as amended, or applicable state laws.
6. All marihuana shall be tagged as required by the MRTMA or applicable state laws.
7. All marihuana shall be contained within an enclosed locked facility in accordance with the MRTMA, as amended.
8. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
9. That portion of the structure where the storage of any chemicals is located shall be subject to inspection and approval by the Village of Decatur Fire Department to ensure compliance with all applicable statutes, codes, and Ordinances.
10. The dispensing of medical marihuana at the processor facility shall be prohibited.
11. All persons working in direct contact with marihuana shall conform to hygienic practice while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;
 - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination until the condition is corrected.
12. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
13. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
14. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
15. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
16. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
17. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
18. The processor facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
19. The processor facility shall produce no products other than useable Marihuana intended for human consumption.
20. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited.

SECTION 16: MINIMUM OPERATIONAL STANDARDS OF SECURE TRANSPORTER

The following minimum standards for secure transporters shall apply:

1. The secure transporter shall comply at all times with the MRTMA and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
2. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
3. Storage of marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall be continuously monitored with a surveillance system that includes security cameras;
 - b. The storage facility shall not be used for any other commercial purpose;

- c. The storage facility shall not be open or accessible to the general public;
 - d. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations, and Ordinance;
4. The storage facility shall be open at all times to any MRTMA Licensing Board investigator or police officers, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or non-compliance with the MRTMA or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:
 - a. to inspect and examine all premises of the marihuana establishment;
 - b. to inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
 - c. to inspect the person, and inspect or examine personal effects present in a marihuana establishment, of any holder or state operating license while that person is present in a marihuana establishment;
 - d. to investigate alleged violations of the MRTMA or applicable state laws.
5. All marihuana stored within the facility shall be stored within enclosed locked facilities in accordance with the MRTMA as amended.
6. All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:
 - a. maintaining adequate personal cleanliness;
 - b. washing hands thoroughly in adequate handwashing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - c. refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination until the condition is corrected.
7. A secure transporter licensee and each stakeholder shall not have an interest in another marihuana establishment.
8. A secure transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
9. A secure transporter shall comply with all of the following:
 - a. Each driver transporting marihuana must have a chauffeur's license issued by the state.
 - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years or have been convicted of a misdemeanor involving a controlled substance with the past five (5) years.
 - c. Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.
 - d. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
 - e. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
 - f. A secure transporting vehicle shall not bear markings or other indications that it is carrying marihuana or a marihuana-infused product.
10. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any

point during the transportation of marihuana to determine compliance with all state and local laws, rules, regulations, and Ordinances.

SECTION 17: DENIAL AND REVOCATION

1. A license issued under this Ordinance may be revoked after an administrative hearing at which the Village Council by a majority vote of the members present determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of license at least five days prior to the date of the hearing, by first-class mail to the address given on the license application; a licensee whose license is subject of such Hearing may present evidence and/or call witnesses at the Hearing.
2. A license applied for or issued under this Ordinance may be denied or revoked on any of the following basis:
 - a. Violation of this Ordinance;
 - b. Failure to provide documents, records, or any other material pertinent to the investigation of an application or alleged violation of this ordinance.
 - c. Any 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 five (5) years by the Applicant or any stakeholder of the Applicant as measured from the date of the Application or the date of becoming a stakeholder, whichever occurs later, or while licensed under this Ordinance; or any conviction of a substance-related felony by the Applicant or any stakeholder of the Applicant ever or while licensed under this Ordinance;
 - d. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a license;
 - e. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the MRTMA and the State of Michigan;
 - f. The marihuana establishment is determined by the Village of Decatur to have become a public nuisance;
 - g. The State of Michigan Licensing Board has denied, revoked or suspended the applicant's state license.

SECTION 18: PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$250.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Village 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 19: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not

interfering or conflicting with the statutory regulations for licensing marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION 20: REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 21: EFFECTIVE DATE

The Village Clerk of the Village of Decatur, Van Buren County, Michigan, shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect on the 1st of December, 2019.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan, on this ____ day of November, 2019.

Ali Elwaer, Village President

Kim Babcock, Village Clerk & Treasurer

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 6th day of May 2019, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2019.

Kimberly Babcock, Village Clerk & Treasurer