

Section _____ Medical Marihuana Facilities (DRAFT)

This ordinance of the City of Flint, Michigan is to provide for the licensing and regulation of Medical Marihuana Facilities within the City of Flint, Michigan; to establish the maximum number of Medical Marihuana Licensed Facilities; to establish operational, land use, and zoning requirements, and standards attendant thereto; to protect the health, safety and welfare of the City of Flint and its neighborhoods; and to provide penalties for violations of the chapter. These Special Regulated Uses pertain to Medical Marihuana Facilities that are allowed under the statues of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 ET SEQ., as amended (“MMMA”), the Medical Marihuana Facilities Licensing act, MCL 333.2701, ET SEQ., (MMFLA), and the Marihuana Tracking Act (MTA), MCL 333.27901, ET SEQ.. This Ordinance is subject to interpretation and revision based on rules yet to be adopted by the Michigan Department of Licensing and Regulatory Affairs (LARA). If the standards set forth in this Ordinance are in conflict with the standards adopted by LARA than the standards from LARA shall apply.

A. Uses subject to these controls are as follows:

1. Group "E" – Special Regulated Uses:
 - i. Medical Marihuana Provisioning/Dispensing Centers
2. Group “F”- Special Regulated Uses:
 - i. Commercial Medical Marihuana Cultivation/Growing Centers
 - ii. Commercial Medical Marihuana Processing Center
3. Group “G” – Special Regulated Uses:
 - i. Commercial Medical Marihuana Secure Transport Facility
 - ii. Commercial Medical Marihuana Safety Compliance Facility

B. Definitions:

For the purposes of this chapter:

Any term defined by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 ET SEQ., as amended (“MMMA”) of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended. These Special Regulated Uses pertain to Medical Marihuana Facilities that are allowed under the statues of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 ET SEQ., as amended (“MMMA”), the Medical Marihuana Facilities Licensing act, MCL 333.2701, ET SEQ., (MMFLA), and the Marihuana Tracking Act (MTA), MCL 333.27901, ET SEQ. If the definition of a word or phrase set forth in this Ordinance conflicts with the definition in the MMMA or the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the MMMA or the Medical Marihuana Facilities Licensing Act, then the definition in the MMMA or the Medical Marihuana Facilities Licensing Act shall apply.

This ordinance shall not limit an individual’s or entity’s rights under the MMMA, MMFLA, or MTA and theseacts supersede this ordinance where there is a conflict between them and the

immunities and protections established in the MMMA unless superseded or preempted by the MMFLA.

The following definitions apply to all Group “E”, “F”, and “G” Special Regulated Uses:

1. **Church-** Means an entire building set apart primarily for the purposes of public worship, and which is tax exempt under the laws of this state and in which religious services are held.
2. **City-** the City of Flint, Michigan.
3. **Commercial Medical Marihuana Cultivation/Growing Center-** An entity that is licensed to operate by the State of Michigan and has applied to be established as an Special Regulated Use by the City. This facility is used to cultivate, dry, and package medical marihuana in accordance with state law.
 - i. The Center must be located in a structure that is a minimum of 10,000 square feet. The building may be split among multiple state licensed growers, given that there are walls or partitions erected between them and approved by the BSI officials, pursuant to state building code.
 - ii. A cultivation /growing center shall provide only wholesale products for the use of other medical marihuana provisioning/dispensing centers.
4. **Commercial Medical Marihuana Processing Center-** An entity that is licensed and operated by the State of Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
 - i. The Center must be located in a facility that is a minimum of 10,000 square feet. The building may be split among multiple state licensed processors, given that there are walls or partitions erected between them and approved by the BSI officials, pursuant to state building code.
 - ii. A Processing Center shall provide only wholesale products for the use of other medical marihuana provisioning/dispensing centers.
5. **Commercial Medical Marihuana Secure Transport Facility-** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
6. **Commercial Medical Marihuana Safety Compliance Facility-** A commercial entity that receives marijuana from a marihuana facility or registered caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marijuana to the marihuana facility.
7. **Enclosed, Locked Facility-** A permanent building having a roof supported by columns or any other support used for the enclosure of persons, animals, chattels or property of any kind, or carrying on business activities or other uses. Marihuana must be grown and stored in a fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered licensee or registered qualifying patient.

8. **Grower-** A licensee that is an entity located in this state, approved by the State, that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center.
9. **License Application-** The requirements and procedures set forth in this Ordinance to secure the subject license.
10. **Licensee-** A person holding a state operating license, pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281.
11. **Marihuana-** The term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
12. **Marihuana facility-** Location at which a license holder is licensed to operate under this Ordinance, including a Provisioning Center, Processor, Grower, Safety Compliance Facility, and Secure Transporter.
13. **Marihuana-infused product-** A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111
14. **Marihuana plant-** Any plant of the species Cannabis sativa L.
15. **Medical use of marihuana-** The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
16. **Medical Marihuana Provisioning/Dispensing Center-** A licensee that is an entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning/dispensing center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA act is not a provisioning/dispensing center for purposes of this Ordinance.
17. **Michigan Medical Marihuana Act-** The Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.
18. **Ordinance-** This ordinance, Chapter 50.9.04.1.
19. **Plant-** Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
20. **State-** The State of Michigan.
21. **State Licensed Cultivator/Grower-** An individual who has applied for and been authorized for a grower license in Michigan pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281. This license authorizes the secure transfer of marihuana and the sale of seeds or plants to another grower or processor. Individuals can apply for

3 different license classes, each of which authorizes the grower to grow not more than the following number of marihuana plants:

- i. Class A- 500 marihuana plants
- ii. Class B- 1,000 marihuana plants
- iii. Class C- 1,500 marihuana plants

****All commercial growing license classes may be “stacked”, if permitted by LARA***

22. **State operating license (or license)-** A license that is issued under the Medical Marihuana Facilities Licensing Act, 2016 PA 281 that allows the licensee to operate as one (1) of the following, specified in the license:

- i. A grower.
- ii. A processor.
- iii. A secure transporter (facility).
- iv. A provisioning/dispensing center.
- v. A safety compliance facility

C. License Allocation and Annual Fees

- 1. No person shall operate a Group “E”, “F”, or “G” use in the City of Flint without obtaining both a license to do so through both the City and the State.
- 2. The City, after the approval from the Flint Planning Commission, shall issue no more than the following for each license type:
 - i. Medical Marihuana Provisioning/Dispensing Centers: **20 Licenses**
 - ii. Commercial Medical Marihuana Cultivation/Growing Center: **No Limit**
**** More than 1 State issued Commercial Growing Center License can operate within 1 structure.***
 - iii. Commercial Medical Marihuana Processing Center: **No Limit**
 - iv. Commercial Medical Marihuana Secure Transporter: **5 Licenses**
 - v. Commercial Medical Marihuana Safety Compliance Facility: **5 Licenses**

- 1. The license quotas are permitted to the extent regulated by the MMLB rules and regulations and are subject to change based on any potential rulings made by the board.

3. The non-refundable application fee for a Medical Marihuana Facility license and the annual fee for a Medical Marihuana Facility license shall be set by Resolution of the City Council. The term of each license shall be one (1) year, beginning when the Licensee is

granted a Certificate of Occupancy permit from the Building & Safety, Inspections Division.

D. Operation Without License Prohibited

1. Every Medical Marihuana establishment in the City of Flint shall be licensed pursuant to the terms and provisions set forth in this chapter. No person shall operate a Medical Marihuana establishment in the City without first obtaining a license. A Medical Marihuana establishment operation without a license under the provisions of this chapter or without a state license or approval pursuant to the MMFLA, as amended from time to time, is hereby declared to be a public nuisance.

E. License Application Submission

1. Application for any Group “E”, “F”, or “G” Medical Marihuana license required by this Ordinance shall be made in writing to the Zoning Coordinator, and must be approved by the Planning Commission, and 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 City of Flint 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 City of Flint; and (4) the applicant has paid and received the renewal of its State license.
2. An application for a Medical Marihuana Facility license required by this Ordinance shall contain the following:
 - i. The appropriate non-refundable application fee and the licensee fee in the amount determined by the City.
 - ii. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
 - iii. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation;
 - iv. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary and requested by the City.
 - v. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least 18 years of age and have never been indicted for, charged with, arrest for, or convicted or pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption,

the docket number, the offense, the disposition, and the location and length of incarceration.

- vi. Before hiring a prospective agent or employee of the applicant, and after, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past ten (10) years for a controlled substance-related felony, the applicant shall not hire the prospective employee or agent without written permission from the City Council
- vii. A signed release authorizing the City of Flint Police Department to perform a criminal background check to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in this Ordinance;
- viii. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than the applicant;
- ix. An affirmation under oath as to whether the applicant or Stakeholder 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;
- x. One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;
- xi. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or applicable State laws, covering the Medical Marihuana Facility and naming the City as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors;
- xii. A security plan for the Medical Marihuana Facility that contains a comprehensive diagram, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment. Each Medical Marihuana Facility must have a security guard present during business hours or alternative security procedures shall be proposed in the business plan.
- xiii. A floor plan of the Medical Marihuana Facility, as well as a scale diagram illustrating the property upon which the Medical Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible;
- xiv. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. Specifically, that the applicant or Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the City;

- xv. An affidavit that the transfer of Marihuana to and from Medical Marihuana Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws;
- xvi. A staffing plan complete with an organizational chart listing all individuals that includes position descriptions and the names of each person holding each position;
- xvii. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility.
- xviii. A business plan that includes a proposed marketing plan, scheduled tangible capital investment in the City including an explanation of the economic benefits to the City and job creation statistics. The plan should include both the short and long term goals and objectives of the business operation.
- xix. A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject Medical Marihuana Facility's building) to the subject Medical Marihuana Facility to the closest real property comprising a public or private elementary, vocational or secondary school; a church or religious institution if recognized as a tax-exempt entity as determined by the City Assessor's Office; and any public parks.
- xx. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited.
- xxi. A proposed patient recordkeeping plan that will track quantities sold to individual patients and caregivers, and will monitor inventory;
- xxii. A description of procedures for testing of contaminants, including mold and pesticides;
- xxiii. Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the Medical Marihuana Facility, but in no event less than \$100,000.00, in immediately available funds;
- xxiv. As it relates to a Cultivation/Growing Facility, the following additional items shall be required:
 - 1. A grower plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;
 - 2. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be requested, and how the test results will be used;
 - 3. An affidavit that all operations will be conducted in conformance with the MMMA, the Medical Marihuana Facilities Licensing Act or other applicable State laws and such operations shall not be cultivated on the

premises at any one time more than the permitted number of Marihuana Plants per the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;

4. A Chemical and pesticide storage plan that states the names of pesticides to be used in Grower and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;
 5. All Growers must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.
3. Upon receipt of a completed Medical Marihuana Facility 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 2(C), above, the Zoning Coordinator shall refer a copy of the application to each of the following for their review and approval: the City Attorney or their designee, the Police Department or their designee, the Fire Department or their designee, the Building & Safety Inspections Division and the Director of Planning & Development or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the Zoning Coordinator shall forward the applications to the Planning Commission.
 4. No application shall be approved unless:

- i. The Fire Department or designee and the Building & Safety Inspections Division have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;
 - ii. The applicant, each Stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check conducted by the City of Flint Police Department;
 - iii. The Zoning Coordinator has confirmed that the proposed location complies with the Zoning Code;
 - iv. The City Treasurer or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City;
 - v. The City Attorney or their designee has completed a detailed review of the Medical Marihuana Facility application for compliance with the applicable state laws and City Ordinances;
5. If written approval is given by each individual or department identified in subsection 1-5, the Zoning Coordinator shall submit the application to the Planning Commission for recommendation to the city council for the issuing of a license to the applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under State law;
 6. Licensees shall report any other change in the information required by 4 (B) above, to the City within ten days of the change. Application Fees shall be set by Council Resolution for any Stakeholder added after the original Application is filed.

F. License Evaluation

1. The Planning Commission shall assess all applications pursuant to Section D and Section E in **chapter 50.0.04.1.**
2. Past criminal convictions of the applicant or stakeholder will be evaluated. Convictions involving any of the following listed below, but not limited to, may result in denial of the application.
 - i. Gambling;
 - ii. Prostitution;
 - iii. Weapons;
 - iv. Violence;
 - v. Tax evasion;
 - vi. Fraudulent activity; and
 - vii. Serious moral turpitude.
3. A felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.
4. Whether the applicant or stakeholder has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years.
5. Whether the applicant or stakeholder has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

6. The Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

G. Minimum Operating Standards of Medical Marijuana Dispensing/Provisioning Centers

The following minimum standards for Dispensing/Provisioning Centers shall apply

1. Operating hours limited to between 8:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday;
2. If in a multi-use or multi-tenant building, Group "E" Special Regulated Use shall not use common entrances or entrances off a common hall and must be directly accessed from the outside by its own separate entrance;
3. Consumption of Marijuana shall be prohibited on the premises of a Provisioning Center, and a sign shall be posted on the premises of each Provisioning Center indicating that consumption is prohibited on the premises;
4. Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days;
5. Unless permitted by the MMMA and Medical Marijuana Facilities Licensing Act or applicable state law, public or common areas of the Provisioning Center must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. Unless permitted by the MMMA and Medical Marijuana Facilities Licensing Act or applicable state law, no Marijuana is permitted to be stored, displayed, or transferred in an area accessible to the general public;
6. All Marijuana storage areas within Provisioning Center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA and Medical Marijuana Facilities Licensing Act or applicable state law, no Marijuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Marijuana may be displayed in a sales area only if permitted by the MMMA or the Medical Marijuana Facilities Licensing Act;
7. Any usable Marijuana remaining on the premises of a Provisioning Center while the Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises;
8. Drive-through window on the premises of a Provisioning Center shall not be permitted;
9. Provisioning Center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises;
10. No Provisioning 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 Provisioning Center is operated;
11. The license required by this Ordinance shall be prominently displayed on the premises of a Provisioning Center;

12. The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, the state police, or local 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 noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - i. To inspect and examine all premises of Medical Marihuana Facility.
 - ii. 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, 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.
 - iii. To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of state operating license while that person is present in a Medical Marihuana Facility.
 - iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

H. Minimum Operating Standards of Commercial Medical Marihuana Cultivation/Growing Centers

The following minimum standards for Cultivation Centers shall apply

1. The Grower facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;
2. At no time and for any reason, shall the enclosed structure be open to the general public;
3. The premises shall be open for inspection upon probable cause that a violation of this Ordinance has occurred, during the stated hours of operation and at such other times as anyone is present on the premises;
4. Any Grower Facility shall maintain a log book and/or database indicating the number of Marihuana Plants therein. Each Marihuana Plant will be tagged as required by the MMMA and Medical Marihuana Facilities Licensing Act;
5. All Marihuana shall be contained within an Enclosed Locked Facility;
6. 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;
7. That portion of the structure storing any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the City of Flint Fire Department to insure compliance with all applicable statutes, codes and ordinances.;
8. The dispensing of Marihuana at the Grower Facility shall be prohibited;
9. All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:

- i. Maintaining adequate personal cleanliness;
 - ii. 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;
 - iii. Refraining from having direct contact with Marijuana 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.
 - 10. 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 Marijuana is exposed.
 - 11. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
 - 12. There shall be adequate screening or other protection against the entry or 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 and attractant, harborage or breeding places for pests;
 - 13. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
 - 14. Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;
 - 15. Marijuana that .can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
 - 16. Grower Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;
 - 17. The Center must be located in a structure that is a minimum of 10,000 square feet. The building may be split among multiple state licensed growers, given that there are walls or partitions erected between them and approved by the BSI officials, pursuant to state building code.
 - 18. A cultivation /growing center shall provide only wholesale products for the use of other medical marijuana provisioning/dispensing centers.
- I. Minimum Operating Standards of Commercial Medical Marijuana Processing Center

The following minimum standards for Processing Centers shall apply

- 1. The Processor shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act, the Medical Marijuana Facilities Licensing Act, 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 Marijuana shall be prohibited at the Processor Facility;
- 3. All activity related to the Processor Facility shall be done indoors;
- 4. The premises shall be open, at all times, to any Michigan Medical Marijuana Licensing Board investigators, agents, auditors, the state police, or local 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 noncompliance with the MMMA and Medical Marijuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:

- i. To inspect and examine all premises of Medical Marihuana Facilities.
 - ii. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, 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
 - iii. 3. To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of state operating license while that person is present in a Medical Marihuana Facility.
 - iv. 4. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.
5. Any Processor Facility shall maintain a log book and/or database which complies with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws;
6. All Marihuana shall be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act or applicable state laws;
7. All Marihuana shall be contained within Enclosed Locked Facility in accordance with the MMMA, 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 are located shall be subject to inspection and approval by the City of Flint Fire Department to insure 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 practices while on duty, including but not limited to:
 - i. Maintaining adequate personal cleanliness;
 - ii. 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;
 - iii. 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. Processor Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;
19. Processor Facility shall produce no products other than useable Marihuana intended for human consumption.
20. The Center must be located in a structure that is a minimum of 10,000 square feet. The building may be split among multiple state licensed growers, given that there are walls or partitions erected between them and approved by the BSI officials, pursuant to state building code.
21. A cultivation /growing center shall provide only wholesale products for the use of other medical marihuana provisioning/dispensing centers.

J. Minimum Operating Standards of Commercial Medical Marihuana Secure Transport Facility

The following minimum standards for Secure Transporter shall apply

1. The Secure Transporter shall comply at all times with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act 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 facility of a Secure Transporter.
3. Storage of marihuana by a Secure Transporter shall comply with the following:
 - i. The storage facility shall be continuously monitored with a surveillance system that includes security cameras. The video recording shall be maintained in a secure, off - site location for a period of fourteen (14) days.
 - ii. The storage facility shall not be used for any other commercial purpose.
 - iii. The storage facility shall not be open or accessible to the general public.
 - iv. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.
 - v. The storage facility shall be open at all times to any Michigan Medical Marihuana Licensing Board investigator or local or state 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 MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:
 1. to inspect and examine all premises of Medical Marihuana Facility

2. 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, 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.
 3. to inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder or state operating license while that person is present in a Medical Marihuana Facility.
 4. to investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.
- vi. All marihuana stored within the facility shall be stored within Enclosed Locked Facilities in accordance with the MMMA as amended.
 - vii. 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:
 1. maintaining adequate personal cleanliness
 2. 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
 3. 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.
4. A Secure Transporter licensee and each stakeholder shall not have an interest in a Growing, Processor, Provisioning, or Safety Compliance Facility and shall not be a registered qualifying patient or a registered primary caregiver.
 5. 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.
 6. A Secure Transporter shall comply with all of the following:
 - i. Each driver transporting marihuana must have a chauffeur's license issued by the state.
 - ii. 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 within the past five (5) years.
 - iii. 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.
 - iv. 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.

- v. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
 - vi. A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana infused product.
7. 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.

K. Minimum Operating Standards of Commercial Medical Marihuana Safety Compliance Facility

The following minimum standards for Safety Compliance facilities shall apply

1. The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA and Medical Marihuana Facilities Licensing Act 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 Michigan Medical Marihuana Licensing Board investigators, agents, auditors, the state police, or local 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 noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
 - i. To inspect and examine all premises of Medical Marihuana Facilities.
 - ii. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, 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.
 - iii. To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of state operating license while that person is present in a Medical Marihuana Facility.
 - iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.
4. Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws;
5. All Marihuana shall be contained within the building in an Enclosed, Locked Facility in accordance with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act 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;

L. Location of Group "E" Special Regulated Uses

1. Group "E" Special Regulated Uses shall be limited to the D-5, D-6, E, F, & G zoning districts. For these Special Regulated Uses there shall be no other accessory uses permitted within the same facility other than those associated with the provisioning or dispensing medical marihuana to registered patients.
2. Group "E" Special Regulated Uses. An application to establish a Group "E" Special Regulated Use shall not be approved if there is already in existence four or more Group "A" or Group "E" Special Regulated Uses within 2,000 feet of the boundaries of the site of the proposed regulated use. This requirement does not apply to businesses that have continuously been open and conducting business at their current location since February 14, 2011 and have obtained a Group E Special Regulated Use permit, prior to the adoption of this ordinance.
3. Group "E" Special Regulated Use. An application to establish a Group "E" Special Regulated Use shall not be approved if the proposed location is within 1,000 feet of a k through 12 school, dedicated public park, place of worship or another Group "E" Special Regulated Use; or if the proposed location is within 300 feet of a residential property or residential zone district. This requirement does not apply to businesses that have continuously been open and conducting business at their current location since February 14, 2011 and have obtained a Group E Special Regulated Use permit, prior to the adopted of this ordinance.

M. Location of Group "F" and "G" Special Regulated Uses

1. Group "F" and "G" Special Regulated Uses shall be limited to the E, F, & G zoning districts. For Special Regulated Uses there shall be no other accessory uses permitted within the same facility.
2. Group "F" and "G" Special Regulated Uses. An application to establish a Group "F" and "G" Special Regulated Use shall not be approved if there is already in existence another Medical Marihuana Establishment Group "E" Special Regulated Use within 500 feet of the boundaries of the site of the proposed regulated uses.
3. Group "F" and "G" Special Regulated Use. An application to establish a Group "F" and "G" Special Regulated Use shall not be approved if the proposed location is within 500 feet of a k through 12 school, dedicated public park, place of worship; or if the proposed location is within 300 feet of a residential property or residential zone district.

N. Denial and Revocation

1. A license issued under this Ordinance may be revoked after an administrative hearing at which the Planning Commission by majority vote of 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:
 - i. Violation of this Ordinance;
 - ii. 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;
 - iii. 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;
 - iv. 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 Medical Marihuana Program in the State of Michigan;
 - v. The Medical Marihuana Facility is determined by the City of Flint to have become a public nuisance;
 - vi. The Michigan Medical Marihuana Licensing Board has denied, revoked or suspended the applicant's state license.
3. Any Special Regulated Use that ceases for more than 30 days shall not be resumed except by application and approval pursuant to §50-162, unless the hiatus is caused by s
4. In the event of the death or documented long-term illness of the owner or owners of a Special Regulated Use, a waiver of subsection (b) above may be granted by the Planning Commission at its sole discretion upon written request by the owner or the owner's estate, at any regularly scheduled meeting within 90 days of the closure of the business.

O. Penalties; Temporary Suspension of a License; Discipline

1. The City of Flint may require an applicant or holder of license of a Medical Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or discipline;
2. Any person in violation of any provision of this Ordinance or any provision of a license issued under this Ordinance is responsible for a misdemeanor, punishable by fine of up to \$500.00 plus cost of prosecution, 90 days imprisonment, or both, or each violation. This section is not intended to prevent enforcement of any provision of the State law by the City of Flint Police Department;
3. All fines imposed under this Ordinance shall be paid within forty-five (45) days after the effective date of the order imposing the fine or as otherwise specified in the order;
4. The Planning Commission may temporarily suspend a Medical Marihuana Facility License without a hearing if it finds that public safety or welfare requires emergency action. The Planning Commission shall cause the temporary suspension by issuing a

Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing;

5. If the Planning Commission temporarily suspends a license without a Hearing, the holder of license is entitled to a hearing within thirty (30) days after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice;
6. If the Planning Commission does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

P. Lawful Non-conforming and Grandfathered Locations

1. Any Provisioning or Dispensing Center applicant granted Group “E” Special Regulated Use approval under the previous City of Flint Medical Marihuana ordinance (50-161; & 12-XVI), prior to the adoption date of this ordinance on (insert date of adoption) and additionally, has undergone and successfully fulfilled the required “annual re-licensing process”, moreover being granted a 2017-2018 Special Regulated Use Group “E” license, will retain grandfathered rights and become a legal, conforming use. The collective amount of these grandfathered licenses will be subtracted from the license allocation amount listed in Section C.,2,i. (Medical Marihuana Provisioning/Dispensing Centers), with the difference representing the definite available allocation of Group “E” Special Regulated Use licenses available to the public. Applicants who have fulfilled the relicensing requirements and successfully obtained a 2017-2018 Group “E” Medical Marihuana Provisioning Center License, will be granted an additional six (6) month extension to become complaint under the new terms of the Group “E” Special Regulated Use License, (insert ordinance number). Failure to become compliant under the revised Group “E” Special Regulated Use standards within a six (6) month period, will result in immediate revocation of the grandfathered license. Any number of licenses that are revoked will be added to the allocation amount listed in Section C.2,i. (Medical Marihuana Provisioning/Dispensing Centers).

Q. Group “E”, “F” and “G” License Location Appeals Process

1. The Medical Marijuana Facilities “map”, developed and administered by the Planning & Development Department, symbolizes a spatial analysis performed utilizing the criteria listed in Section L.,1.-3. (Location of Group “E” Special Regulated Uses) and in Section M.,1.-3. (Location of Group “F” and “G” Special Regulated Uses). Any potential location of a Group “E”, “F” or “G” Medical Marijuana Facilities license is appealable to the Flint Planning Commission. A \$5,000, non-refundable appeals fee is required upon submitting an application for a location appeal. An applicant submitting an appeal must clearly demonstrate an “undue hardship” and “prove that special and unusual conditions pertaining to the specific piece of property are warranted” for a variance to be granted.
 - i. No such variance shall be authorized by the Planning Commission unless the Commission finds that all of the following facts and conditions exist:
 1. The proposed use will not alter the essential character of the area.
 2. The problem was not a self-created hardship.
 3. The use will be compatible with adjacent uses of land.
 4. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 5. Issuance of the variance would still ensure that the spirit of the ordinance