

VILLAGE OF CAMDEN
COUNTY OF HILLSDALE, STATE OF MICHIGAN

ORDINANCE NO. 2017-01
ADOPTED: November 30th 2017
EFFECTIVE: December 19th 2017

MEDICAL MARIHUANA FACILITIES ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in the Village of Camden pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE VILLAGE OF CAMDEN
HILLSDALE COUNTY MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Village of Camden Medical Marihuana Facilities Ordinance.

SECTION II
PURPOSE AND DEFINITIONS

1. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the Village of Camden and to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; to retain the character of the neighborhoods; and to mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the Village of Camden through imposition of an annual fee of not more than \$5,000.00 on each medical marihuana facility licenses. Authority for the enactment of the provisions of this ordinance is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *and et seq.*

a) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act. Initiated Law 1 of 2008, MCL 333.26421, *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*; the Marihuana Tracking Act, MCL 333.27901, *et seq.*; and all other applicable rules or regulations promulgated by the State of Michigan.

b) As of the effective date of this ordinance, marihuana remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, 21 USC § 801, *et seq.* which makes it unlawful to manufacture, distribute or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

c) This ordinance shall not limit an individual or entity's rights under the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act. The provisions of Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Marihuana Tracking Act shall supersede the provisions of this ordinance to the extent there is a conflict between the provisions of this ordinance and the provisions of the Acts.

d) Any activity that a licensee is authorized to perform pursuant to this ordinance that was conducted either prior to the enactment of this ordinance, or that is conducted after the enactment of this ordinance but without obtaining the required licensing provided for in this ordinance, shall be deemed to be an unauthorized and illegal use and therefore not entitled to legal nonconforming use status under any applicable provisions of any Village Zoning.

2. For purposes of this ordinance,

a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.* shall have the definition given in the Medical Marihuana Act, and any amendments thereto.

b) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.2710 I, *et seq.* shall have the definition given in the Medical Marihuana Facilities Licensing Act, and any amendments thereto.

c) Any term defined by the Marihuana Tracking Act, MCL 333.2790 I, *et seq.* shall have the definition given in the Marihuana Tracking Act, and any amendments thereto.

SECTION III AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. The following medical marihuana facilities may be authorized to operate within the Village by the holder of a state operating license, subject to compliance with PA 281 of 2016 as may be amended, the Rules promulgated there under and this ordinance:

a) Not more than 6 (six) grower(s) 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:

1. Not more than 2 (two) Class A growers (500 marihuana plants) may be authorized in the Village.

2. Not more than 2 (two) Class B growers (1,000 marijuana plants) may be authorized in the Village.

3. Not more than 2 (two) Class C growers (1,500 marihuana plants) may be authorized in the Village.

b) Not more than 6 (six) processor(s) shall be authorized in the Village.

c) Not more than 4 (four) provisioning center(s) shall be authorized in the Village.

d) Not more than 6 (six) safety compliance facilities shall be authorized in the Village.

e) Not more than 6 (six) secure transporter(s) shall be authorized in the Village.

2. At least every five years after adoption of this ordinance, the Village Council shall review the maximum number of each type of marihuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Council.

3. On and after approval and 10 days after publication by council the Village shall accept applications for authorization to operate a medical marihuana facility within the Village. Application shall be made on a Village form and must be submitted to the Village Clerk and/or other designee of the Village Council (herein after referred to as "Clerk"). Once the Clerk receives a complete application including the initial annual medical marihuana facility 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 medical Marihuana facility within the Village. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their

submission by written notice to the Clerk at any time and receive refund of the initial annual medical marijuana fee submitted.

4. A conditional authorization means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Village of Camden. A conditional authorization will lapse and be void if such permits and approvals are not diligently pursued to completion.

5. Within thirty days from conditional authorization from the Village or from December 31, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted 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 II(2) herein.

6. 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 III(3) herein.

7. A conditionally authorized applicant shall receive full authorization from the Village to operate the medical marijuana facility within the Village upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marijuana facility in the Village and the applicant has met all other requirements of this ordinance for operation including but not limited to council approval for the location of the facility within the Village.

8. 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 III(3) herein. The Village Council shall have 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 IV
GENERAL REGULATIONS REGARDING
AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. No person shall operate a marijuana facility in the Village of Camden without a valid marijuana facility license issued by the Village pursuant to the provisions of this ordinance.

2. An authorized medical marijuana facility shall only be operated within the Village by the holder of a state operating license issued pursuant to PA 281 of 2016, 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.

3. Prior to operating an authorized medical marijuana facility within the Village pursuant to a state operating license, the facility must comply with all Village ordinance regulations. The facility shall only be operated as long as it remains in compliance with all Village Ordinance regulations.

4. Prior to operating an authorized medical marijuana facility within the Village pursuant to a state operating license, the facility must comply with all Village and County construction and building ordinances, all other Village ordinances specifically regulating medical marijuana facilities, and generally applicable Village police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be Established or amended.

5. An authorized Medical Marijuana Facility shall consent to inspection of the facility by Village Officials and/or by the power of representative upon reasonable notice, to verify compliance with this ordinance.

If at any time an authorized medical marihuana a facility 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 II (2) herein.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Village for operations within the Village.

7. A marihuana facility license issued under this ordinance is not transferrable or assignable.

8. 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 number of authorized medical marihuana facilities authorized to operate within the Village.

SECTION V MEDICAL MARIHUANA FACILITY FEE AND LICENSE RENEWAL

1. There is hereby established an initial nonrefundable Village medical marihuana facility fee in the amount of \$5,000 for each application submitted for a medical marihuana licensing facility within the Village, to help defray administrative and enforcement costs associated therewith. In the event that a license is granted, the licensee shall thereafter pay an annual medical marihuana facility fee of \$5,000 payable each year upon the renewal of the license as provided in this ordinance, said fee to help defray administrative and enforcement costs associated therewith.

2. A marihuana facility license issued under this ordinance shall be valid for one year from the date of issuance of full authorization by the Village unless earlier revoked as provided by law.

3. A valid marihuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Village and payment of the annual medical marihuana facility fee provided for in Section V of this ordinance. The application to renew the license shall be filed at least thirty (30) days prior to the date of its expiration.

SECTION VI VIOLATIONS AND 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 perse.

2. A violation of this ordinance shall be a misdemeanor, for which the punishment for a first violation shall be a fine of not less than \$100.00 and not more than \$500.00, or imprisonment not to exceed 90 days, or both, in the discretion of the court. The punishment for a second or subsequent violation shall be a fine of not less than \$250.00 and not more than \$500 .00, or imprisonment not to exceed 90 days, or both in the discretion of the court for purposes of this section. "second or subsequent violation" means a violation of the provisions of this ordinance committed by the same person withiu 12 months of a previous violation of the same provision of this ordinance for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies.

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.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Village or by such other person(s) as designated by the Village Council from time to time.

SECTION VII
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 medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII
EFFECTIVE DATE

This ordinance shall take effect 10 days after publication as provided by the Village Charter.

The foregoing ordinance was duly adopted at a meeting of the Village of Camden Council held on the 19th of December 2017.

Bryan Arno, President

Angela Daughtry, Village Clerk