

CITY OF IONIA
Ordinance No. 539

AN ORDINANCE TO AMEND CHAPTERS 1240 ENTITLED GENERAL PROVISIONS AND DEFINITIONS AND 1286 ENTITLED MISCELLANEOUS REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA AND TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF IONIA BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 1289 ENTITLED MEDICAL MARIHUANA FACILITIES OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE

THE CITY OF IONIA HEREBY ORDAINS:

PART TWELVE – PLANNING AND ZONING CODE

Title Six – Zoning

Chapter 1240 – General Provisions and Definitions

1240.11 (1) K. shall be amended by deleting the following:

~~–K. The medical use of marihuana, to the extent made lawful by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq., as amended, in any dwelling unit, subject to the following conditions:~~

- ~~1. No marihuana plants shall be cultivated in any structure other than an enclosed locked facility as that term is defined by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq. and this ordinance. No marihuana plants shall be cultivated in any structure other than an enclosed locked facility as that term is defined by the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq. and this ordinance, which is built and maintained in a manner consistent with applicable building and property maintenance code.~~
- ~~2. No more than 25% of the floor area of a dwelling unit, or 500 square feet, whichever is less, shall be used for cultivation of marihuana plants.~~
- ~~3. Outdoor cultivation shall not be visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure.~~
- ~~4. No transfer of delivery of marihuana shall occur unless consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~

1240.11 (1) shall be amended by deleting the following:

~~(60a) Marihuana Facility: Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term "marihuana facility" does not include those medical marihuana accessory uses conditionally permitted by division (1)K. of this section or a location where a primary caregiver is assisting one of their qualifying patients with the medical use of marihuana, consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~

~~(60b) Marihuana Facility: Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term Marihuana Facility does not include those medical marihuana accessory uses conditionally permitted by Section 1240.11(1)(K).~~

PART TWELVE – PLANNING AND ZONING CODE

Title Six – Zoning

Chapter 1286 – Miscellaneous Regulations

1286.10 Retitle this Section as follows:

MARIHUANA FACILITIES: MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 et seq., as amended (MMMA)

1286.10 (a) and (b) shall be repealed and replaced in its entirety as follows:

- ~~(a) Marihuana Facility, Defined. Any facility or building in which marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term "marihuana facility" does not include those medical marihuana accessory uses conditionally permitted by Section 1240.11(1)(K) or a location where a primary caregiver is assisting one of his or her qualifying patients with the medical use of marihuana, consistent with the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.~~
- ~~(b) Marihuana Facility, Prohibited. Marihuana facilities are prohibited in all zoning districts.~~
- (a) The medical use of marihuana as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended is permitted in accordance with all requirements of the MMMA and any rules promulgated by the Department of Licensing and Regulatory Affairs of the State of Michigan.
- (b) The following shall apply to the medical use of marihuana as permitted and regulated by the MMMA:
- (1) A qualifying patient who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner provided that the qualifying patient possesses an amount of marihuana that does not exceed a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents in the form of marihuana-infused products, and if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, the qualifying patient may possess 12 marihuana plants, and any incidental amount of seeds, stalks, and unusable roots, kept in an enclosed, locked facility, as defined herein.
 - (2) A primary caregiver who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with the MMMA. The privilege from arrest applies only if the primary caregiver presents both his or her registry identification card and a valid driver

license or government-issued identification card that bears a photographic image of the primary caregiver. The privilege from arrest applies only if the primary caregiver possesses marihuana in forms and amounts that do not exceed any of the following:

- A. For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.
- B. For each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility as defined herein, and any incidental amount of seeds, stalks, and unusable roots.

PART TWELVE – PLANNING AND ZONING CODE

Title Six – Zoning

Chapter 1289 – Medical Marihuana Facilities

Title Six – Zoning shall be amended by adding a new Chapter 1289 which shall be entitled Medical Marihuana Facilities and read as follows:

CHAPTER 1289 MEDICAL MARIHUANA FACILITIES

1289.01 APPLICABILITY.

This chapter applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City.

1289.02 PURPOSE.

This chapter is intended to provide for the regulation of medical marihuana facilities; to establish procedures for application for medical marihuana facilities; to establish procedures for review of medical marihuana facilities; to establish operational, land use, and zoning requirements for medical marihuana facilities; to protect the public health, safety, and welfare of the City of Ionia, its residents, its neighborhoods, and property owners; to set fees for the purpose of defraying costs associated with the implementation and enforcement of the provisions of this chapter; to declare this chapter to be for a public purpose; and to provide penalties for violations of this chapter.

1289.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply except where the context clearly indicates or requires a different meaning:

- (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (MMMA), shall have the definition given in the Michigan Medical Marihuana Act.
- (b) Any term defined by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA), shall have the definition given in the Medical Marihuana Facilities Licensing Act.

- (c) Any term defined by the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended (MTA) shall have the definition given in the Marihuana Tracking Act.
- (d) "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- (e) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- (f) "Marijuana" or "marihuana" means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- (g) "Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- (h) "Marihuana plant" means any plant of the species Cannabis sativa L.
- (i) "Marihuana-infused product" means 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.
- (j) "Marihuana tracking act" means the marihuana tracking act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- (k) "Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.
- (l) "Medical marihuana facilities licensing act" means the Medical marihuana facilities licensing act, PA 281 of 2016, MCL 333.27101 et seq.
- (m) "Park" means an area of land designated by the City as a park on its Master Land Use Plan, Five-Year Community Parks and Recreation Plan, or on a City Council approved list of City Parks.
- (n) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- (o) "Processor" means a licensee that is a commercial entity located in 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.
- (p) "Provisioning center" means a licensee that is a commercial entity located in Michigan 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 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 in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

- (g) “Public playground” means an outdoor facility, open to the public and on public property and containing playground equipment including but not limited to slides, climbers, seesaws, swings, or swimming pool designed for the recreational use by children and owned and operated by a local unit of government, school district, or other unit or agency of government.
- (r) “Rules” means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 by the department of Licensing and Regulatory Affairs to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- (s) "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- (t) “School” means and includes buildings and facilities used for school purposes for children and youth in grades pre-kindergarten through 12, and Head Start when that instruction or purpose is provided by a public, private, denominational, or parochial school.
- (u) “Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

1289.04 AUTHORIZATION OF FACILITIES AND FEE.

- (a) A medical marihuana facility as defined herein may be authorized within the City of Ionia only upon approval as a special land use, according to the requirements and procedures of Chapter 1274.
- (b) No medical marihuana facility may operate within the City of Ionia without first having been approved for a license from the State of Michigan pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended (MMFLA).
- (c) The number of each type of medical marihuana facility that may be approved for operation within the City of Ionia shall not be limited.
- (d) A nonrefundable fee shall be paid annually by each marihuana facility authorized within the City of Ionia in the amount not to exceed \$5,000.00 as set by resolution of the Ionia City Council.

1289.05 DEVELOPMENT REQUIREMENTS.

- (a) Medical marihuana facilities as defined herein are permitted with special land use approval in the following zoning districts:
 - (1) Grower facilities are permitted only in the I-1 Light Industrial District.
 - (2) Processor facilities are permitted only in I-1 Light Industrial District.
 - (3) Provisioning Center facilities are permitted only in the B-1 Neighborhood Business District; the B-3 General Business District; the Office District; and the I-1 Light Industrial District.

- (4) Provisioning Centers shall not be permitted on land recommended for Central Business District land use or East Main Preservation land use on the currently adopted Future Land Use Map of the City of Ionia.
 - (5) Secure Transporter facilities are permitted only in the B-1 Neighborhood Business District; the B-3 General Business District; the Office District; and the I-1 Light Industrial District. Secure Transporter facilities shall not be permitted on lands recommended for Central Business District land use or East Main Preservation land use on the currently adopted Future Land Use Map of the City of Ionia.
 - (6) Safety Compliance facilities are permitted only in the B-1 Neighborhood Business District; the B-3 General Business District; the Office District; the I-1 Light Industrial District. Safety Compliance facilities shall not be permitted on lands recommended for Central Business District land use or East Main Preservation land use on the currently adopted Future Land Use Map of the City of Ionia.
 - (7) A medical marihuana facility permitted as a special land use in the B-1 Neighborhood Business District or the B-2 Community Business District shall not be permitted as a principal use by right in the B-3 General Business Zoning District, but shall be subject to special land use approval in the B-3 zoning district.
 - (8) Parking shall be as required by Chapter 1282 of the City of Ionia Zoning Ordinance, with the exception that all parking for a medical marihuana facility shall be subject to Section 1289.05 (d) herein.
 - (9) Landscaping shall be as required by Section 1286.03 of the City of Ionia Zoning Ordinance.
 - (10) Exterior lighting shall be as required by Section 1286.04 of the City of Ionia Zoning Ordinance with the exception that any additional or alternate lighting as recommended by the City of Ionia Public Safety Director shall be provided.
 - (11) Signs shall be as required by Chapter 1234 of the City of Ionia Code of Ordinances; and by any requirements of the City of Ionia Zoning Ordinance; with the exception that where the regulations of this Chapter 1289 shall conflict with any other regulations for signs of the City of Ionia, or shall be more restrictive than the requirements of any other regulations for signs of the City of Ionia, the regulations of this Chapter 1289 shall apply.
- (b) The following development regulations shall apply to all medical marihuana facilities:
- (1) Any medical marihuana facility approved as a special land use in any zoning district shall be subject to all requirements for uses in that zoning district, and shall be subject to all other applicable regulations including but not limited to requirements for accessory buildings and uses; landscaping; screening; lighting; access; and signs. Where the regulations of this Chapter 1289 shall conflict with any other regulations of the City of Ionia Zoning Ordinance, or shall be more restrictive than the requirements of any other regulations for the City of Ionia, the regulations of this Chapter 1289 shall apply.

- (2) Any medical marihuana facility approved as a special land use shall be subject to all requirements for review and the standards for approval according to Chapter 1274 Special Land Uses.
 - (3) Medical marihuana facilities may be permitted in a structure that contains multiple tenants, provided the medical marihuana use is approved as a special land use; meets all applicable occupancy restrictions; and that the medical marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to security. Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling.
 - (4) Any combination of medical marihuana facilities may operate as separate marihuana facilities at the same location, provided the marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to requirements for partitioned facilities, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations. Each marihuana facility operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. A licensed Provisioning Center operating at the same location with any other licensed medical marihuana facility shall have retail entrances and exits clearly identified.
 - (5) One or more owners may own medical marihuana facilities at the same location; one or more licensees may be licensed to operate medical marihuana facilities at the same location.
 - (6) No medical marihuana Provisioning Center shall be located within another business.
 - (7) No medical marihuana facility shall be located in an un-zoned area.
- (c) Location and Buffering Requirements:
- (1) No medical marihuana Provisioning Center shall be located within the following:
 - A. One thousand (1,000) feet of an operational school as defined herein, and within one thousand (1,000) feet of school property or a library that constitutes a drug free zone as required by the Michigan Public Health Code 333.7410.
 - B. Five hundred (500) feet of the following buffered uses:
 1. Public playground as defined herein;
 2. Park as defined herein;
 3. Commercial Child Care facility that is required to be licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency;
 4. Church.

- C. For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured as the distance along a horizontal straight line beginning at the nearest point to the buffered use on the parcel line of the parcel upon which a Provisioning Center is proposed, to the nearest point on the parcel line of the parcel upon which the buffered use is located.
 - D. For Provisioning Centers located within a multi-tenant commercial retail structure or center, the distance to a buffered use shall be measured from the closest boundary line of the occupied property of the Provisioning Center to the closest parcel or boundary line of the occupied property of the buffered use. Property for a multi-tenant retail structure shall not include the parking area of the structure.
- (d) Parking associated with any medical marihuana facility shall be on the same lot or parcel as the facility, or on a contiguous lot under the same ownership or control as the owner of the lot or parcel on which the medical marihuana facility is located, and shall not be permitted to be on a non-contiguous lot.

1289.06 OPERATIONAL REQUIREMENTS.

- (a) Operational requirements for a medical marihuana Provisioning Center shall be as follows:
- (1) Every medical marihuana Provisioning Center shall be located in an enclosed building as defined by Section 11240.11 (11).
 - (2) No medical marihuana Provisioning Center shall be open between the hours of 10:00 P.M. and 9:00 A.M.
 - (3) The licensee of a Provisioning Center is authorized by the State of Michigan to purchase or transfer marihuana only from a Grower or Processor to only a registered qualifying patient or registered primary caregiver. All transfers of marihuana to a Provisioning Center from a separate marihuana facility shall be by means of a Secure Transporter.
 - (4) The licensee of a Provisioning Center is authorized by the State of Michigan to transfer marihuana to or from a Safety Compliance facility for testing only by means of a Secure Transporter.
 - (5) A Provisioning Center shall not allow a physician or other person to conduct a medical examination or issue a medical certification document on the premises for the purposes of obtaining a medical marihuana registry identification card.
 - (6) A Provisioning Center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of medical marihuana product. The Provisioning Center shall keep medical marihuana products behind a counter or other barrier to ensure that a registered qualifying patient or registered primary caregiver or member of the general public does not have direct access to the marihuana products.
 - (7) All medical marihuana storage areas within medical marihuana Provisioning Centers shall be separated from any customer and patient areas by a permanent barrier. No medical

marihuana is permitted to be stored in an area accessible by the general public, or registered caregivers, or registered patients.

- (8) Any medical marihuana remaining on the premises of a medical marihuana Provisioning Center while the Provisioning Center is not in operation shall be secured in a locked area in the interior of the premises.
- (9) The premises of a medical marihuana Provisioning Center shall be open for inspection by authorized persons during the stated hours of operation and at such other times as anyone is present on the premises.
- (10) No licensed medical marihuana Provisioning Center shall place or maintain, or cause to be placed or maintained, any advertisement of medical marihuana in any form or through any medium within the distance to buffered uses as set forth in Section 1289.05 (c), with the exception that a Provisioning Center may establish signs in compliance with the requirements of Chapter 1234 which regulates signs in the City of Ionia, and incompliance with Section 1289.07 (q) herein.
- (11) A Provisioning Center may employ an individual to engage in the home delivery of a medical marihuana product for sale or transfer to a registered qualifying patient according to the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated Rules of the Department of Licensing and Regulatory Affairs.

(b) Operational requirements for a medical marihuana Grower Facility shall be as follows:

- (1) A Grower license authorizes the Grower to perform the following:
 - A. To grow not more than the numbers of marihuana plants as authorized under Class A, Class B, or Class C licenses;
 - B. To sell marihuana seeds or marihuana plants to only a grower by means of a secure transporter;
 - C. To sell marihuana, other than seeds, only to a Processor or Provisioning Center;
 - D. To transfer marihuana only by means of a Secure Transporter.
- (2) The applicant and each investor with any interest in the Grower facility shall not have an interest in a Secure Transporter or Safety Compliance facility.
- (3) Consumption and/or use of medical marihuana shall be prohibited at the Grower facility; the dispensing of medical marihuana at the Grower facility shall be prohibited.
- (4) All Grower activity related to the Grower facility shall be performed in an enclosed building as defined by 11240.11 (11), with the exception that cultivation may occur in an outdoor area if the outdoor area is contiguous with the building, and the outdoor area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye. The fences or barrier shall be secured in compliance with the security rules of Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and adopted

Rules. All drying, trimming, curing, or packaging of marihuana shall occur inside the building meeting all the requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and promulgated rules.

- (5) That portion of the facility where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the City of Ionia Fire Department to insure compliance with the State of Michigan fire codes.
 - (6) Medical marihuana Grower facilities shall produce no products other than useable medical marihuana intended for human consumption.
 - (7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Grower facility shall be prohibited.
- (c) Operational requirements for a medical marihuana Safety Compliance facility shall be as follows:
- (1) A Safety Compliance license authorizes the licensee to accept a transfer of 2.5 ounces or less of marihuana to the Safety Compliance facility from a registered primary caregiver for testing. The licensee is also authorized to receive marihuana from, test marihuana for, and return marihuana to only a medical marihuana facility by means of a Secure Transporter.
 - (2) The applicant and each investor with any interest in the Safety Compliance facility shall not have an interest in a Grower, Secure Transporter, Processor, or Provisioning Center.
 - (3) A Safety Compliance facility shall have a secured laboratory space that cannot be accessed by the general public, and shall retain and employ at least one staff member with a relevant advanced degree in a medical or laboratory science.
 - (4) A Safety Compliance facility shall become fully accredited by an entity approved by the State of Michigan Department of Licensing and Regulatory Affairs within one year after the date the license is issued, or as otherwise provided by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended and the promulgated rules.
 - (5) All Safety Compliance activity related to the Safety Compliance facility shall be performed in an enclosed building as defined by 11240.11 (11).
 - (6) All medical marihuana shall be contained within the building in an enclosed, locked facility.
 - (7) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Safety Compliance facility shall be prohibited.
- (d) Operational requirements for a medical marihuana Processor facility shall be as follows:
- (1) A Processor license authorizes the licensee to purchase medical marihuana only from a Grower and authorizes the sale of marihuana-infused products or medical marihuana only to a Provisioning Center.

- (2) A Processor license authorizes the Processor to transfer medical marihuana only by means of a Secure Transporter.
 - (3) All Processor activity related to the Processor facility shall be performed in an enclosed building as defined by 11240.11 (11).
 - (4) All medical marihuana shall be contained within the building in an enclosed, locked facility.
 - (5) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Processor facility shall be prohibited.
 - (6) All medical marihuana processors shall be certified as accredited under a recognized food safety system such as SQF, ISO 22000, or the FDA's FSMA (Food Safety Modernization Act) rules or demonstrate that they are actively pursuing said certification at the time of licensing by the State of Michigan and at the time of application review by the City of Ionia, and shall obtain said certification within 18 months of operation.
 - (7) All medical marihuana processors shall comply with all requirements of the Ionia County Health Department Sanitary Code regarding food service establishments, and the Michigan Food law, Act 92 of 2000 as amended, as applicable.
- (e) Operational requirements for a medical marihuana Secure Transporter facility shall be as follows:
- (1) A Secure Transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of medical marihuana between medical marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money. The Secure Transporter license does not authorize the transport of medical marihuana to a registered qualifying patient or registered primary caregiver.
 - (2) The applicant and each investor with any interest in the Secure Transporter facility shall not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility, and shall not be a registered qualifying patient or a registered primary caregiver.
 - (3) Each driver transporting medical marihuana shall have a chauffeur's license as issued by the State of Michigan. Each vehicle transporting medical marihuana shall be operated by a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of medical marihuana.
 - (4) The medical marihuana shall be transported in one or more sealed containers and not be accessible while in transit.
 - (5) A secure transporting vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana-infused product.
 - (6) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with this chapter, and with the State of Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.

- (7) A Secure Transporter shall have a primary place of business as its marihuana facility. All vehicles utilized by the Secure Transporter facility shall be permanently located at the Secure Transporter facility except during the time the vehicles are transporting medical marihuana or medical marihuana products. All Secure Transporter activity shall be performed in an enclosed building with the exception that loading and unloading of medical marihuana may take place on a private portion of the Secure Transporter facility outside the Secure Transporter facility building.
- (8) Loading and unloading of Secure Transporter vehicles with medical marihuana may take place on a private, unenclosed portion of any medical marihuana facility, provided any area of loading and unloading is under video surveillance as required by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq. In no case shall loading and unloading take place in a public place or street, or private place or street which is not under the ownership and control of the licensed medical marihuana facility.
- (9) All medical marihuana stored at the Secure Transporter facility shall be contained within the building in an enclosed, locked facility. The timeframe for the secure transporter to maintain custody of the marihuana product shall not be more than 48 hours or by permission of the Department of Licensing Regulatory Affairs of the State of Michigan on a case-by-case basis.
- (10) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana Secure Transporter facility shall be prohibited.

1289.07 OPERATIONAL REGULATIONS THAT APPLY TO ALL MEDICAL MARIHUANA FACILITIES.

- (a) Medical marihuana facilities shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430; the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.; and the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 to 333.27904.
- (b) Medical marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Medical marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:
 - (1) Sale, consumption or serving of food except for as provided by Rules as promulgated by the Department of Licensing and Regulatory Affairs;
 - (2) Sale, consumption, or use of alcohol or tobacco products on the premises;
 - (3) Consumption, use, or inhalation of a marihuana product.
- (c) Access to the medical marihuana facility is restricted to the licensee, employees of the licensee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, and the Department of Licensing and Regulatory Affairs, through its investigators, agents, auditors, the state police, or law enforcement officials.

- (d) A separate waiting area may be created for visitors not authorized to enter the medical marihuana facility.
- (e) The licensee shall maintain a log tracking all visitors to a medical marihuana facility in compliance with the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 to 333.27904. The visitor log must be available at all times for inspection by the Michigan Department of Licensing and Regulatory Affairs, and its investigators, agents, and auditors, or the state police to determine compliance with the act and these rules.
- (f) With the exception of staff meetings, employee training, and similar events associated with the operation of the medical marihuana facility, no activities such as tours, corporate events, weddings, parties, receptions, or other similar events may occur on the premises of a medical marihuana facility at any time.
- (g) The medical marihuana facility must be at a fixed location. Mobile medical marihuana facilities and drive-through, drive-up, or walk-up operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited, with the exception that a Provisioning Center may accept online orders and payments of sales of medical marihuana to a qualifying patient on a secure website according to the requirements of the Michigan Department of Licensing and Regulatory Affairs.
- (h) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the medical marihuana facility.
- (i) Processors, Growers, and Safety Compliance facilities shall implement appropriate exhaust ventilation systems to mitigate noxious gasses or other fumes used or created as part of any production process or operations. Exhaust ventilation equipment must be appropriate for the hazard involved and must comply with City of Ionia fire code and Michigan mechanical codes. No marihuana shall be cultivated, grown, manufactured, processed, tested, or provided in any manner that would emit odors reasonably discernable to another person beyond the interior of the building or occupied portion of the building where the medical marihuana facility is located.
- (j) All medical marihuana facilities shall be securely locked, including all interior rooms, windows, and points of entry and exits with commercial-grade, nonresidential door locks as reviewed and approved by the City of Ionia building inspection officials and the City of Ionia public safety officials. Access to a medical marihuana facility shall be only by the licensee or employees as approved by the licensee. An alarm system shall be maintained.
- (k) One or more emergency contact persons with phone numbers shall be provided to City of Ionia public safety officials and public safety officials of other jurisdictions if requested by the City of Ionia.
- (l) All medical marihuana facilities shall have a video surveillance system that meets all requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department (LARA) to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.

- (m) Marihuana product that is to be destroyed or is considered waste shall be rendered into an unusable and unrecognizable form and recorded in the State of Michigan statewide monitoring system; destroyed marihuana products or waste shall not be sold; all marihuana waste shall be disposed of according to the requirements of the rules promulgated by the department of Licensing and Regulatory Affairs department (LARA) to establish rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.
- (n) Wastewater generated during the cultivation of marihuana and processing of marihuana products shall be disposed of in compliance with applicable City of Ionia, Ionia County, State of Michigan, and federal laws and regulations.
- (o) All applicable building, electrical, plumbing, mechanical, water, wastewater, and any other applicable permits shall be obtained from the City of Ionia or other applicable governmental authority for any portion of the building or structure in which electrical wiring, lighting, mechanical, plumbing, watering, cultivating, growing, harvesting, testing, processing, and other devices that support any operation associated with the medical marihuana facility are located.
- (p) Verification from City of Ionia Public Safety personnel that the facility meets all requirements for fire protection.
- (q) Marketing and advertising regulations for all medical marihuana facilities are as follows:
 - (1) Marihuana facilities shall comply with all City of Ionia municipal ordinances, state law, and administrative Rules regulating signs and advertising.
 - (2) A licensee shall not advertise marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place, with the exception that a Provisioning Center may include a sign or signs as regulated by the City of Ionia Chapter 1234 of Title Six - Zoning of Part Twelve – Planning and Zoning Code of the Codified Ordinances, subject to the following:
 - A. No sign shall advertise a specific medical marihuana product, or pricing, or special sale of any medical marihuana product;
 - B. A sign may include the words “Cannabis” or “Marihuana” or “Medical” and graphics such as leaves but excluding graphics of specific products;
 - C. A sign may include the name of the establishment.
 - (3) Marihuana products shall be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.
 - (4) Marihuana products shall not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.
- (r) Any medical marihuana facility shall not be operated in an occupied residence.

- (s) No medical marihuana facility shall be operated in a manner creating noise, dust, vibration, glare, or fumes beyond the boundaries of the property on which the medical marihuana facility is operated; or odors detectable to normal senses beyond the interior of the building or occupied portion of the building where the medical marihuana facility is located; or any other nuisance that hinders the public health, safety, and welfare of the residents of the City of Ionia.
- (t) A medical marihuana facility shall be open for inspection by authorized local, state, county, or federal officials at any time during hours of operation and at other times as anyone is present on the premises.
- (u) Licensees and applicants shall notify the Department of Licensing and Regulatory Affairs, state police, and local law enforcement authorities within 24 hours of theft or loss of any marihuana product or criminal activity.
- (v) Any other operational measures requested by the Department of Licensing and Regulatory Affairs (LARA) that are not inconsistent with the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and the Rules.

1289.08 APPLICATION AND PROCESSING PROCEDURES.

- (a) As required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, any applicant for a medical marihuana facility license shall provide the City of Ionia notification by registered mail informing the City that the applicant has applied for a license under the Act. When the City receives the notice, within 90 days the City shall provide to the Medical Marihuana Licensing Board a copy of the City of Ionia ordinance permitting and regulating medical marihuana facilities, and a description of any previous medical marihuana related ordinance violation of the applicant.
- (b) An application for special land use approval for a medical marihuana facility shall be in accordance with the application procedures for Special Land Uses as required by Chapter 1274 of the City of Ionia Zoning Ordinance, including a site plan prepared according to the requirements of Chapter 1276.
- (c) A notice for public hearing as required by Section 1274.03(d), and as required by Section 1276.05 (b) shall be additionally sent to all properties within the distance as required for those buffered uses as required by Section 1289.05 (c) (1).
- (d) In addition to all application materials as required for a special land use, an application for a medical marihuana facility, on a form as approved by the City Council, shall be completed and submitted by the applicant.
- (e) The application shall include the following information in addition to any additional information as required by the application form for a medical marihuana facility:
 - (1) The City of Ionia may request from the applicant a copy of the Entity/Individual Prequalification Application Packet for a state medical marihuana facility operating license as required to be submitted to the State of Michigan.

- (2) A copy of the proposed Business Plan if requested by the Planning Commission.
 - (3) Proof of ownership of the entire premises wherein the medical marihuana establishment is to be operated; or written consent from the property owner of use of the premises for a medical marihuana facility, and a copy of any lease agreement.
 - (4) A description of the security plan for the medical marihuana establishment, prepared as required by the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended, including but not limited to any lighting, alarms, barriers, recording or monitoring devices, and security guard arrangements proposed for the facility and its premises. Each medical marihuana facility shall have a security guard present during business hours, or alternative security measures by the Planning Commission as a condition of special land use approval.
 - (5) A professionally prepared scaled drawing of the floor plan of the medical marihuana facility including uses of all floor areas.
 - (6) A diagram of any proposed text or graphic materials to be shown on the exterior of the proposed medical marihuana facility.
 - (7) A location area map showing the distance to all buffered uses as required in Section 1289.05 (c). Each buffered use shall be labeled on the location area map.
 - (8) A waste disposal plan, indicating how all waste products, including marihuana that is to be destroyed or is considered waste, will be disposed of and prevented from being ingested by humans or animals. In no case shall waste be burned on site, or introduced into the sanitary sewer system or stormwater management system.
 - (9) A signed affidavit that neither the applicant nor any investor with an interest in the medical marihuana facility is in default to the City of Ionia for failure to pay any property taxes, income taxes, special assessments, fines, fees, or other financial obligation to the City of Ionia.
 - (10) In the case of an application for a Grower license, chemical and pesticide storage plan that states the names of the pesticides, herbicides, and any other chemicals that will be used in cultivation, and a plan for disposal of unused pesticides, herbicides, and chemicals.
- (f) All applications for special land use approval for a medical marihuana facility shall be accompanied by an application fee of \$5,000.
- (g) All applications for a special land use for a medical marihuana facility shall obtain a building permit for any building utilized as a proposed medical marihuana facility, or for a change of occupancy for an existing building to be utilized as a proposed marihuana facility, from the governmental entity having jurisdiction to approve building permits in the City of Ionia under the Stille-DeRossett-Hale single state construction code act, PA 230 of 1972.

(h) Any other information requested by the Planning Commission, the City Council, public safety official, or other municipal official in order to complete the review of the application.

1289.09 STANDARDS FOR APPROVAL.

An approval of a medical marihuana facility in the City of Ionia shall only be made when in substantial compliance with the following standards:

- (a) The standards for approval for all special land uses in Section 1274.04.
- (b) The standards for approval of all site plans in Section 1276.07.
- (c) Compliance with any requirements for public safety as stated in writing by the public safety officials of the City of Ionia, Ionia County, and the State of Michigan.
- (d) Compliance with all requirements and conditions of this Chapter 1289.00.
- (e) Compliance with all applicable requirements of the City of Ionia Codified Ordinances.
- (f) Compliance with all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended.
- (g) Compliance with all requirements of the Marihuana Tracking Act, PA 282 of 2016, MCL 333.27901 et seq., as amended.

1289.10 VARIANCES.

(a) An application for a variance from any requirement of this Chapter or any other requirement of the City of Ionia Zoning Ordinance applicable to a medical marihuana facility shall be as required by Chapter 1244 of the City of Ionia Zoning Ordinance with the exception that a notice for public hearing as required by Section 1244.07 for a variance for a Provisioning Center shall be additionally sent to all properties within the distance as required for those buffered uses as required by Section 1289.05 (c) (1).

(b) In no case shall a decision regarding the approval of a special land use be appealed to the Zoning Board of Appeals.

1289.11 CHANGE OF OWNERSHIP, LICENSEE, OR LOCATION

(a) Upon change of ownership of any approved medical marihuana facility, the Community Development Director shall require the owner and licensee to provide information in writing to demonstrate any physical or operational characteristics that are proposed to be altered under the new owner, or a statement in writing that no physical or operational changes are proposed.

(b) If changes to the approved site plan are proposed, a site plan prepared according to the requirements of Chapter 1276 shall be submitted that shows any proposed changes to the site plan.

(b) The proposed new owner shall provide proof of licensing by the State of Michigan for the approved medical marihuana facility.

(c) The Community Development Director shall determine whether the change in ownership and any proposed changes in the approved site plan, shall require a public hearing and approval by the Planning Commission as required by Section 1289.08 (c) herein.

(d) The Community Development Director may, at his or her discretion, approve the proposed change in ownership, and any changes proposed to the site plan, without a public hearing.

(e) In no case shall an approved medical marijuana facility be approved or used for a different type of medical marijuana facility except in accordance with all requirements and procedures of this Chapter 1289.

(f) A change of location of a medical marijuana facility after licensure requires a new license according to the requirements of the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., as amended. A change of location of a medical marijuana facility after licensure, or a change of licensee at a location previously approved as a medical marijuana facility, requires application for approval as a special land use by the City of Ionia according to the requirements of this Chapter 1289.

1289.12 VIOLATIONS AND PENALTIES

(a) Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.

(b) A violation of this chapter is a municipal civil infraction and shall be subject to the provisions of Section 202.99(b) of the Municipal Code of the City of Ionia.

CITY OF IONIA

Dated: _____ BY: Ally H. Cook, City Clerk

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