

# CITY OF WAYLAND

*"Committed to Excellence"*

## *Office of the City Manager*

Dear License Applicant:

The City of Wayland appreciates your interest in investing in our community. Please review this letter and subsequent documents to apply for an Adult Use Marijuana Facility License. City Staff is available to answer any questions and help guide you through this endeavor.

The outline for the process is below.

1. Apply for and receive Pre-Qualification Approval from the State of Michigan
2. Apply for City Adult Use Marijuana Facility License
  - a. City Has twenty (20) business days to review submitted documentation and grant a Conditional Approval or Denial. Please review all application forms and checklists to ensure completeness.
3. Apply for Special Use Permits, Site Plan Approval, and Building Permits from Professional Code Inspections (PCI Inc.). Zoning and building approval is required prior to construction and prior to final license issuance.
4. Certificate of Occupancy - After construction is complete, request and receive Certificate of Occupancy from the PCI Inc.
5. Apply for and receive final State Operating License from the State of Michigan
6. Apply for final City Adult Use Marijuana Facility Permit/License
7. The City will review items submitted for final approval, including perform any final inspections required.
  - a. If approved, the final Marijuana Facility and/or Adult Use Establishment Permit will be issued by the City Manager's Office.
8. Facility May Open and Start Operations.

Very Respectfully,

Mr. Joshua M. Eggleston  
City Manager  
City of Wayland



## City of Wayland Adult Use Marijuana Facilities Application

Return Completed Applications to:

City of Wayland  
City Manager's Office  
103 South Main Street  
Wayland, MI 49348  
Phone: (269)792-2265 Email: [jeggleston@cityofwayland.org](mailto:jeggleston@cityofwayland.org)

Please print Clearly:

I. Applicant Information			
Applicant Name:		Doing Business As:	
Mailing Address:	City:	State:	Zip:
Telephone Number:	E-mail Address:		

II. License Types-Adult Use Licenses			
_____ Processor	_____ Secure Transporter	_____ Safety Compliance	_____ Retailer
_____ Microbusiness	_____ Class "A" Grower	_____ Class "B" Grower	
_____ Class "C" Grower			

III. Business Location			
Property Address:		Zoning District:	Tax ID Number:
Property Status: <input type="checkbox"/> Owned <input type="checkbox"/> Leasing <input type="checkbox"/> Option <input type="checkbox"/> Land Contract			
Owner Name (if different than applicant):			
Owner Mailing Address:	City:	State:	Zip:
Owner Telephone Number:			
Owner Email Address:			

#### IV. Application Materials

The following is a checklist of items that must be submitted with applications for Recreational Marijuana Establishments. Incomplete applications will not be processed.

- ☐ Completed application form
- ☐ Advance of applicable annual fees:
  - ☐ Parcel with 1 state operating license - \$5,000
  - ☐ Parcel with 2 state operating licenses - \$10,000
  - ☐ Parcel with 3 state operating licenses - \$15,000
  - ☐ Parcel with 4 or more state operating licenses - \$20,000
- ☐ If the current property owner is different than the applicant, the property owner's signature is required in addition to the applicants. Only one application shall be submitted per property, unless the applications are proposed for co-located facilities.
- ☐ A copy of the official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for a state operating license.

#### V. Signatures

Signature of Applicant:

Date:

#### OPTIONAL ONLY

Application #

*Final Authorization Checklist*

Application received by City Clerk's Office Date  
and Time: \_\_\_\_\_

Within 12 months of Conditional Authorization date:

Staff Signature: \_\_\_\_\_

☐ Applicant obtains Special Use Permit approval from the  
Planning Commission

Conditional Authorization Issued by City Manager's  
Office

Within 18 months of Conditional Authorization date above:

Date and Time: \_\_\_\_\_

☐ Applicant obtains state operating license from LARA

Final Authorization Issued by City Manager's  
Office Date and Time: \_\_\_\_\_

Staff

Signature: \_\_\_\_\_



## City of Wayland Adult Use Marijuana Application Checklist

Instructions: Please submit a completed checklist with each application form to assist the City in ensuring completeness of application.

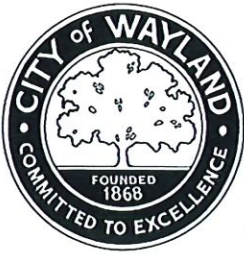
<u>Applicant</u>	<u>City Staff</u>	
_____	_____	1. Completed Application Form
_____	_____	2. Copy of State Prequalification Application and Prequalification Number
_____	_____	3. Proof of legal possession of property
_____	_____	4. Property Owner Consent Form
_____	_____	5. Copy of Security Plan
_____	_____	6. Complete Criminal History Disclosure and Background Record Authorization for each applicant, stakeholder and facility manager listed on the application.
_____	_____	7. Proof of Liability Insurance
_____	_____	8. Copy of Valid Photo ID for the applicant, all business owners and managers of facility
_____	_____	9. Payment of \$5,000 non-refundable application fee per facility license type
_____	_____	10. Copy of HVAC Ventilation System Plan
_____	_____	11. Marijuana Facility Financial Information Request Form
_____	_____	12. Copy of Proposed Business Plan

I understand that during the application process I am responsible to provide updated information to the City should there be any pertinent changes. I also understand that the City reserves the right to request additional information should they deem it necessary to provide final authorization.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date





# CITY OF WAYLAND

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## PROPERTY OWNER CONSENT FORM

I, \_\_\_\_\_, declare under penalty of perjury that for the property listed below, I am (choose one):

\_\_\_\_\_ the record title owner OR \_\_\_\_\_ a representative of a trust or business entity named \_\_\_\_\_

that owns the property and I have been duly authorized to represent such trust or business entity for purposes of executing this document. (must provide supporting documentation)

\_\_\_\_\_  
\_\_\_\_\_  
*Physical Address of Property*

1. I, or the trust or business entity I represent, am aware that the applicant \_\_\_\_\_ is in the process of applying to the City of Wayland for a business permit to operate a marijuana facility on the property described above in conformance with all the provisions of Ordinances 262 and 263 of the City of Wayland.
2. If such application is granted, I will allow the applicant to engage in the operation of the applied for marijuana business on the property.
3. I, or the trust or business entity I represent, understand that, as the owner of the parcel of the proposed marihuana business, I am required to sign this agreement in order for the applicant's application to go forward and understand that I may be liable under local, state, or federal law for the marihuana activities I am allowing on my property.

\_\_\_\_\_  
*Property Owner Signature*

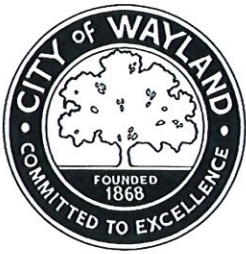
\_\_\_\_\_  
*Date*

Acknowledged by \_\_\_\_\_ before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature \_\_\_\_\_ Printed name \_\_\_\_\_

Notary public, State of Michigan, County of \_\_\_\_\_

My commission expires \_\_\_\_\_  
Date



# CITY OF WAYLAND

*"Committed to Excellence"*

## *Office of the City Manager*

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### Marijuana Facilities Zoning Assurance Letter

By initialing each section and signing below I acknowledge the following to be true

\_\_\_\_\_ I have reviewed and understand applicable zoning regulations pertaining to the permitted uses, locations, and restrictions for marijuana facilities in the city of Wayland, and that if the property identified with this application does not meet said regulations, the application will be denied.

\_\_\_\_\_ I understand that approval of a Conditional Authorization of Marijuana Facility License only provides zoning approval regarding the location of the proposed facility as it relates to the type of facility, zoning district, and buffer requirements outlined in the zoning ordinance.

\_\_\_\_\_ I understand that the property is subject to other regulations of the zoning ordinance, and any use, occupancy, and/or development of a property will need to be in compliance with all regulations of the zoning ordinance, including but not limited to:

- Section 20-116 through 20-126: Site Plan Review
- Section 20-127 through 20-129: Special Use Permit
- Section 20-521: Schedule limiting height, bulk, density, and area by zoning district.
- Section 20-524 through 20-538: Screening and Landscaping Requirements.
- Section 20-81: Parking and Off-Street Loading Requirements
- Ordinance 262: Zoning regulations for Marijuana Establishments.

\_\_\_\_\_ I understand that if I receive conditional permit approval, I may proceed with special use permit application, site plan review, building permit applications and plans, and that until such time, the City will not provide an in-depth review of the proposed facility as it relates to a specific property. I acknowledge that my project may be denied for failure to comply with all zoning regulations or the inability to come into compliance.

\_\_\_\_\_ I understand that any approval obtained for this Marijuana Facilities Application is for requirements and/or ordinances set forth by the City of Wayland only and does not imply approval for any private deed covenants, conditions, and restrictions (CCRs). I acknowledge that it is my responsibility to review the property deed and/or any real estate disclosures to determine if any deed restrictions apply to the subject property and to comply with any and all restrictions that may exist.

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Facility Name and Address

---

Signature of Applicant

---

Date





# CITY OF WAYLAND

## Marijuana Facility

### Criminal History Disclosure and Background Record Authorization

*As part of the Licensing Process, each person listed on the Adult Use Marijuana License permit application must complete this form and submit with a copy of Valid Photo ID or Driver's License. All questions on this form must be answered completely and truthfully. Incomplete or omitted information may result in application delay or denial.*

A separate form for each individual listed on the **Permit application** is required, including applicant, stakeholders and facility managers.

Full Name:

Maiden Name or Aliases:

Michigan ID or Driver's  
License Number:

Home Address:

City:

State:

Zip:

Phone:

Date of Birth:

Gender:

Race:

1. Has the applicant ever been arrested, charged, indicted or imprisoned for a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 et seq., the federal law, or the law of any other state? **Yes** **No**

2. Has the applicant ever been arrested, charged, indicted or imprisoned for any other type of felony under the law of Michigan, the United States, or any other state? **Yes** **No**

If you answered **Yes** to either or both of the above questions, the **applicant must complete the following section.**

Offense: Arrest/Charge Indictment/Conviction	Date	Arresting Agency	Name & Location of Court	Case Caption	Case/Docket Number	Disposition
Date of Conviction	Law under which the person was convicted					SID Number

I, \_\_\_\_\_ authorize the release of any and all information from any appropriate agency regarding my criminal conviction history to the City of Wayland City Manager's Office or the City of Wayland Police Department I understand that my ethnicity, date of birth, sex and age will not be made a part of my application and that none of these four (4) items will be considered in the review of my permit application.

I acknowledge that a complete background investigation, including, but not limited to, a State Police Criminal conviction Record Check will be done. In addition, I agree to cooperate with the investigator/inspector assigned to screening this application.

I further understand that the City of Wayland City Manager's Office has the right to deny my permit based upon the results of this investigation and I hereby certify that the information provided above is accurate to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### FOR OFFICE USE ONLY

Chief of Police

☐ Approved

☐ Denied

Signature: \_\_\_\_\_

Comments: \_\_\_\_\_



# CITY OF WAYLAND

## Marijuana Facility

### Financial Information Request

Marihuana Facility Business Information				
Name of Company:				
Federal Employer ID Number:				
Business Address:		Parcel Property ID:		
City:	State:	Zip:	Personal Property ID	
Phone:	Business Website:	Business Email contact:		
Applicant Information				
Name of Applicant:			Title:	
Address:				
City:	State:	Zip Code:		
Social Security Number:		Date of Birth:		
Michigan ID/Driver's License Number:			Years of Residency:	
Do you, or this business, owe the City of Wayland money for any reason? If <input type="checkbox"/> Yes <input type="checkbox"/> No yes, please explain:				
Name of any other City of Wayland area businesses or properties in which your ownership participation exceeds 25%:				
<p>Please submit this completed form to: City of Wayland 103 South Main Street Wayland, MI 49348</p> <p>If you have any questions please contact the City Manager at (269) 792-2265 or via email at <a href="mailto:jeggleston@cityofwayland.org">jeggleston@cityofwayland.org</a></p> <p><b>The Applicant is responsible for being sufficiently familiar with and having a working knowledge of the ordinance requirements. Information can be found at <a href="http://www.cityofwayland.org">www.cityofwayland.org</a></b></p> <p>I hereby certify that the information provided above is accurate to the best of my knowledge. I agree to operate the aforementioned business in compliance with the guidelines established pursuant to Ordinance 262 and Ordinance 263 of the City of Wayland Ordinances and all applicable ordinances, statutes, regulations, and laws. In addition, I agree to cooperate with the investigator/inspector assigned to screening this application.</p> <p>Applicant's Signature: _____ Date: _____</p>				
FOR OFFICE USE ONLY				
City Manager	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Signature: _____	
Comments:				



## Ordinance 262

### AN ORDINANCE TO ADD A NEW SECTION TO CHAPTER 20 OF THE CITY OF WAYLAND ZONING ORDINANCE, TO REGULATE MARIJUANA BUSINESSES AS SPECIAL USES IN VARIOUS ZONING DISTRICTS AND TO PROVIDE PENALTIES FOR VIOLATIONS

**WHEREAS**, in November 2018 Michigan voters approved Proposal 1 which allowed for the sale and use of recreational marijuana; and

**WHEREAS**, Voters in the City of Wayland overwhelmingly supported the passage of Proposal 1; and

**WHEREAS**, The City of Wayland sees the benefits to supporting the creation of adult-use/recreational marijuana businesses in the City of Wayland; and

**WHEREAS**, the law and subsequent rules created by the State of Michigan allows municipalities to regulate the sales, growth, transporting, and processing of marijuana plants and products both via licensing regulations and by zoning regulations; and

**WHEREAS**, the City Planning Commission has reviewed the potential license types and determined appropriate land use regulations for each license type, and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYLAND, MICHIGAN, WITH A MAJORITY OF ITS MEMBERS CONCURRING THAT:**

Section 1. That a new section is added to the Wayland Zoning Ordinance

#### A. Definitions

- a. *Co-located marijuana business* means a marijuana business with 2 or more types of state operating licenses operating within a single location.
- b. *Adjacent property* means any property that borders said property or when separated by street or public right of way would be bordering the property by at least 50% of its frontage should separating street or right of way be removed.
- c. *Designated consumption establishment* means a business licensed as a designated consumption establishment under the MRTMA.
- d. *Excess marijuana grower* means a business licensed as an excess marijuana grower under the MRTMA.
- e. *Grower* means a business licensed as a grower under either the MRTMA.
- f. *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
- g. *Marijuana* means, depending on the context, the same thing as “marihuana” as defined the MRTMA.

- h. *Marijuana business* is a land use involving one or more licenses issued under the MRTMA.
- i. *Microbusiness* means a business licensed as a marijuana microbusiness under the MRTMA.
- j. *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended MCL 333.27951 *et seq.*
- k. *Processor* means a business licensed as a processor under either the MRTMA.
- l. *Retailer* means a business licensed as a retailer under the MRTMA.
- m. *Safety compliance business* means a business licensed as a safety compliance facility under the MRTMA.
- n. *Secure transporter* means a business licensed as a secured transporter under the MRTMA.
- o. *Stacked grower licenses* means two or more grower licenses issued to a single person under the MRTMA.
- p. *State operating license* or *license* means a license that is issued under the MRTMA or any rule promulgated by the State.
- q. *Temporary marijuana event* means an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on a state operating license issued under the MRTMA during the specified dates.
- r. "Class A grower" means a grower of not more than 100 marihuana plants.
- s. "Class B grower" means a grower of not more than 500 marihuana plants.
- t. "Class C grower" means a grower of not more than 2,000 marihuana plants.

B. Regulations and Conditions: Marijuana businesses are permitted as special uses in the zoning districts as outlined below,. subject to the provisions of this Section and Section 20-127–Standards for Special Use:

Facility Type	Permitted Zoning Districts
Growth (all sizes)	I-1 and I-2
Processing	I-1 and I-2
Safety Compliance/Testing	I-1 and I-2
Secure Transporter	I-1 and I-2
Retail/Dispensaries	CBD, B-1, B-2, B-3
Microbusiness	CBD, B-1, B-2, B-3

- a. All Marijuana businesses must comply with the MRTMA, and any applicable rules promulgated under State statute.
- b. Co-located marijuana businesses and stacked grower licenses may be permitted subject to the rules and regulations contained in this ordinance.
- c. No marijuana business may operate without first obtaining final authorization for each applicable state operating license from the City Manager as set forth in the City of Wayland Adult-Use Marijuana Licensing Ordinance.
- d. Marijuana businesses (including both the building and surrounding site) shall be sufficiently designed in a manner to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- e. Special Use Permit applicants must provide a plan for the storage and disposal of marijuana or chemicals associated with marijuana cultivation, so as to minimize the risk

of theft or harm resulting from chemical exposure. At no time should byproducts be deposited into the ground.

- f. No marijuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marijuana overnight in an outdoor waste bin.
- g. No licensed facility shall be located immediately adjacent to any R-1 or R-2 Zoned property.
- h. The outdoor storage of trash or rubbish shall be appropriately screened.
- i. Signage for Marijuana businesses shall be approved with the general provisions set forth in Chapter 20 Section XIX of the City of Wayland Zoning code as well as the following additional regulations.

- i. Permitted Signage

- 1. Signage may indicate the licensee's business or trade name, stating the location, identifying the nature of the business (type of license) directional information, contact information, and business hours.
    - 2. Signage stating that possession and use of marijuana products must be done in accordance with applicable State Laws.

- ii. Prohibited Signage

- 1. Signage may not advertise with the word(s) marijuana, marijuana or cannabis, or any other word, phrase or symbol commonly understood to refer to marijuana.
    - 2. Signage may not use advertising that is misleading, deceptive, or false or that, as evidenced by the content of the advertising material or by the medium in which the advertising materials is disseminated is designed to appeal to minors.
    - 3. Use of images depicting an image or visual representation of usable marijuana, marijuana-infused products, or marijuana concentrates, or an image that indicates the presence of a product such as smoke.
    - 4. With the exception of directional signage there can be no indication of type of business on signage that is in a direct line of sight from the entrance/exit of any public or private school
      - a. "Directional Signage" shall include signage that indicates the hours of operation, entrance/exit, location of parking, designated delivery area, etc.

- j. The cultivation and processing of marijuana must be conducted in a manner that minimizes adverse impacts on the public sanitary sewer and natural environment. The applicant shall submit, for review and comment, all pertinent information relating to the applicant's proposed sewer discharges to the City sanitary sewer and any other proposed methods of byproduct disposal or reuse.

- k. Marijuana businesses must control and eliminate odor as follows:

- i. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.



- ii. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - iii. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - iv. Negative air pressure must be maintained inside the building.
  - v. Doors and windows must remain closed, except for the minimum time length needed to allow people to enter or exit the building.
  - vi. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- l. For growers and excess growers
  - i. Cultivation must occur within an enclosed building with exterior facades (not including windows) consisting of opaque materials typical of an industrial or commercial building. Windows shall be arranged in such a way that marijuana plants are not visible from the exterior of the building.
  - ii. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- m. For provisioning centers, retailers, and microbusinesses
  - i. Provisioning centers, retailers, and microbusinesses may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
  - ii. Provisioning centers, retailers, and microbusinesses may not receive deliveries between the hours of 12:00 a.m. and 6:00 a.m.
  - iii. The exterior appearance of a provisioning center, retailer, or microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
  - iv. The interior of the building must be arranged in a way such that neither marijuana, marijuana-infused products, nor paraphernalia are visible from the exterior of the building.
- n. Prohibited Locations
  - i. The lot on which any marijuana licensed facility is located must be at least 200 feet from a lot that, as of the date of the applicant's special use application, contains:
    - 1. A public or private school providing education in kindergarten or any grade 1 through 12
    - 2. A facility owned by Wayland Union Schools that is used (or planned for use) to provide childcare or educational services to children under 12 years of age.
  - ii. The 200-foot buffer shall be computed by measuring a straight line from the nearest property line on the lot used as described in subsections (1) and (2) above to the nearest

property line of the lot used by a marijuana licensing facility. This buffering requirement modifies and supersedes the default requirements in Section 9 of the MRTMA.

o. Violations

- i. Any violations of this ordinance shall be subject to the enforcement and penalties as set forth in 20.804 of the City of Wayland Zoning Ordinance.
- ii. If at any time an authorized marijuana business violates this section, any condition imposed through a special use permit, or any other applicable city ordinance, the City Council may request that LARA revoke or refrain from renewing the business's state operating license. Additionally, the special use permit may be revoked pursuant to the generally applicable process provided in this zoning ordinance.

At a regularly scheduled meeting of the Wayland City Council, Allegan County, Michigan, held on \_\_\_\_\_ in Wayland City Hall located at 103 South Main Street, Wayland, Michigan this Ordinance was offered for adoption by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Yeas:

Nays:

\_\_\_\_\_  
Mayor Timothy Bala

\_\_\_\_\_  
City Clerk, LeeAnn Clausen

## **Ordinance 263**

### **AN ORDINANCE TO ALLOW ADULT USE MARIJUANA FACILITIES IN ACCORDANCE WITH STATE LAW AND THE CITY'S ZONING CODE**

**WHEREAS**, in November 2018 Michigan voters approved Proposal 1 which allowed for the sale and use of recreational marijuana; and

**WHEREAS**, Voters in the City of Wayland overwhelmingly supported the passage of Proposal 1; and

**WHEREAS**, the law and subsequent rules created by the State of Michigan allows municipalities to regulate the sales, growth, transporting, and processing of marijuana plants and products both via licensing regulations and by zoning regulations; and

**WHEREAS**, the City of Wayland sees the benefit to allowing adult use marijuana facilities within the City and seeks to establish rules that promote the safe and regulated manufacturing, production, storage, testing, transportation, and sale of recreational marijuana;

**WHEREAS**, the City of Wayland seeks to provide safe access to recreational marijuana for eligible customers; and

**WHEREAS**, the City of Wayland seeks to preserve and protect the health, safety, and welfare of city residents and the general public by minimizing the unsafe or unregulated manufacturing, production, storage, testing, transportation, and sale of marijuana

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYLAND, MICHIGAN, WITH A MAJORITY OF ITS MEMBERS CONCURRING THAT:**

#### **A. Definitions**

- a. *Co-located marijuana business* means a marijuana business with 2 or more types of state operating licenses operating within a single location.
- b. *Designated consumption establishment* means a business licensed as a designated consumption establishment under the MRTMA.
- c. *Excess marijuana grower* means a business licensed as an excess marijuana grower under the MRTMA.



B. Authorization Required:

- a. The following marijuana businesses may be authorized to operate in the City of Wayland pursuant to this chapter; growers, microbusinesses, processors, retailers, safety compliance facilities, secure transporters, on-site use, and temporary marijuana events.
  - i. The City will make available an unlimited number of licenses for each license type.
- b. No marijuana business may operate in the City of Wayland without final authorization granted by the City Manager pursuant to this ordinance. A proposed business is not eligible for a state operating license until the City Manager grants final authorization.
- c. Co-located marijuana businesses and stacked grower licenses may be permitted subject to the rules and regulations contained in this ordinance.

C. Application Process

- a. Submission: A person may apply for authorization to operate a marijuana business within the City by submitting the following items to the City Clerk. These items may be submitted to the Clerk before applying for requisite zoning approvals
  - i. A copy of official paperwork issued by LARA indicating the applicant has successfully completed the prequalification step of the application for a state operating license.
  - ii. A signed statement from the applicant indicating:
    - 1. The current property owner of record for the proposed business location.
    - 2. If the current property owner is different than the applicant (e.g., where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's. Only one application shall be submitted per property, unless the applications are for proposed co-located businesses.
    - 3. The address, tax identification number, parcel id number, and zoning designation of the proposed business location
    - 4. The type or types of state operating licenses that the applicant is seeking at the proposed business location.
    - 5. If the proposed business involves stacked grower licenses, the number of licenses sought

- d. *Location-Specific step* means the portion of the application for a state operating under the MRTMA
- e. *Grower* means a business licensed as a grower under either the MRTMA, or both.
- f. *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
- g. *Marijuana* means, depending on the context, the same thing as "marihuana" as defined in the MRTMA.
- h. *Marijuana business* is a land use involving one or more licenses issued under the MRTMA.
- i. *Micro Business* means a person licensed under the MRTMA to cultivate not more than 150 marijuana plants, process and package marijuana, and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
- j. *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended MCL 333.27951 *et seq.*
- k. *Prequalification step* means the portion of the application for a state operating license under the MRTMA pertaining to the applicant's financial background and the criminal history of the applicant or other associated persons.
- l. *Processor* means a business licensed as a processor under the MRTMA.
- m. *Retailer* means a business licensed as a retailer under the MRTMA.
- n. *Safety compliance business* means a business licensed as a safety compliance facility under the MRTMA.
- o. *Secure transporter* means a business licensed as a secured transporter under the MRTMA.
- p. *Stacked grower licenses* means two or more grower licenses issued to a single person under the MRTMA.
- q. *State operating license* or *license* means a license that is issued under the MRTMA or any rule promulgated pursuant to either statute.
- r. *Temporary marijuana event* means an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on a state operating license issued under the MRTMA during the specified dates.
- s. "Class A grower" means a grower of not more than 100 marihuana plants.
- t. "Class B grower" means a grower of not more than 500 marihuana plants.
- u. "Class C grower" means a grower of not more than 2,000 marihuana plants.

- iii. An advance of the annual administrative fee of \$5,000 per license sought.
- iv. Conditional authorization: The Clerk will accept and review the application for completeness. If all conditions are met the Clerk may recommend approval to the City Manager who shall then grant conditional authorization.
- v. Final authorization: The City Manager shall grant final authorization for the business if the applicant meets the two following requirements:
  - 1. All required zoning approvals are obtained within one year of the date of conditional authorization.
  - 2. Applicant receives state operating license within one year of the date of receiving conditional authorization.
- vi. Expiration of conditional authorization: If the applicant for a conditionally authorized business fails to satisfy any of the deadlines above the conditional authorization will expire and a new application shall be required.

#### D. Denial of application

- a. The City Manager, following recommendations from the above referenced departments shall reject any application that does not meet the requirements of the MRTMA, the rules promulgated by LARA, this ordinance or other applicable ordinances, or other applicable laws or regulations. The City Manager shall reject any application that contains any false, misleading, or incomplete information
- b. Subject to the provisions of the MRTMA, an applicant is ineligible to receive a license under this ordinance if any of the following circumstances exist regarding an applicant:
  - i. Conviction of or release from incarceration for a felony under the laws of this state, or any other state, within the past 10 years of conviction of a controlled substance-related felony within the past 10 years, except that consisted with MCL 333.27958(1)(c), a prior conviction solely for a marijuana related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor.
  - ii. Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to misdemeanor in that state.



- iii. The applicant has knowingly submitted an application for a license that contains false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.
- iv. Is a member of the Board or, as contemplated by MCL 333.27957 is an individual involved in the implementation, administration, or enforcement of the MRTMA process.
- v. Holds an elective or appointed office of a governmental unit of this state, the City of Wayland, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer or employee of a federally recognized Indian tribe or to an elected precinct delegate
- vi. The applicant does not meet the MRTMA provisions concerning eligible license applicants, including but not limited to the provisions of MCL 333.27959, including provisions of subsection (6) of that statute, which set forth time periods within which only certain applicants may obtain licenses.
- vii. The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by State law.

E. Relocation of Businesses, Transfers of Licenses, and Expansion of Grow Operations

- a. An existing business may be moved to a new location in the City subject to applicable zoning regulations and required approvals by LARA.
- b. A license for an existing business may be transferred to a new license that intends to continue operating at the same location, subject to approval by LARA.
- c. No further City approvals are required for the relocations and license transfers described in this section.

- d. A licensee may expand growing operations by upgrading the class of the license, or by obtaining a stacked license. To do so, the licensee must submit a new application to the City satisfying the requirements for new applications as delineated hereinabove, which shall include payment of any additional annual administrative fees that will be owed due to the addition of stacked licenses. The application shall be conditionally approved upon receipt of all required materials.

#### F. General Regulations

- a. Submission of supplementary information to the City: Applicants that have received conditional authorization and licensees operating in the City must provide the Clerk with copies of all documents submitted to LARA in connection with the license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the Clerk within seven (7) days of submission to LARA and may be submitted by electronic media unless otherwise requested by the Clerk.
- b. Compliance with applicable laws and regulations: Marijuana businesses must be operated in compliance with the MRTMA, as applicable, all applicable rules promulgated by LARA, all conditions of the business's state operating licenses, and all applicable ordinances and codes of the City of Wayland. Compliance with the foregoing does not create or imply immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- c. No consumption on premises: No smoking, inhalation, or other consumption of marijuana shall take place on or within the premises of any marijuana business unless such activity is authorized by a temporary marijuana event license or an on-site consumption license associated with a temporary marijuana event. It shall be a violation of this ordinance to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marijuana on or within a premises in violation of this section if;
  - i. The person had control over the premises or the portion of the premises where the marijuana was consumed; and
  - ii. The person knew or reasonably should have known that the marijuana was consumed; and
  - iii. The person failed to take corrective action.
- d. Annual Fee: A licensee must pay a fee of \$5,000, for each licensed used within the City in order to help defray administrative and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of \$5,000 for each license. The initial annual fee(s) must be

paid to the Clerk when the application for approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license. The City may revoke an operating license if the permit fee is more than thirty (30) days delinquent.

e. Indemnification

- i. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of marijuana establishment owners, operators, employees, clients, or customers for a violation of State or Federal laws, rules or regulations.
  - ii. By accepting a license issued pursuant to this Ordinance, all licensees agree to indemnify, defend and hold harmless the City of Wayland, its officers, elected officials, employees, and insurers against all liability, claims, or demands arising on account of bodily injury, sickness, disease, death, property loss, or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity of a licensed operating establishment arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marijuana establishment or use of a product cultivated, processed, distributed, or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of claimed violation of the federal Racketeer Influenced and Corrupt Organizations act, 18 U.S.C. §1964(c) or any other alleged violation of law.
  - iii. By accepting a license issued pursuant to this ordinance, a licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees and insurers against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C §801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL 333.7101 et seq.
- f. Severability: In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining sections, provisions, phrases or words of this ordinance.

G. Security Requirements

- a. Security measures at all licensed premises shall comply with the requirements of the MRTMA, including but not limited to MCL 333.27961, and all applicable rules and regulations promulgated by the Department.
- b. A description of the security plan shall be submitted with the application for a City operating license. The security system shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each establishment.
- c. The security plan must comply with all LARA Rules, and must include, at a minimum, the following security measures.
  - i. Cameras: The marijuana business shall install and use security cameras to monitor all areas of the premises (except inside the restrooms) where persons may gain or attempt to gain access to marijuana or cash maintained by the marijuana business entity. Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty-five (45) days in a secure off-site location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud". The off-site location shall be included in the security plan submitted to the City and provided to the Police Department upon request, and updated within seventy-two hours of any change of such location.
  - ii. Use of safe for storage: The marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products that must be kept refrigerated or frozen the business may lock the refrigerated container or freezer in a manner authorized by the City in place of the use of a safe so long as the container is affixed to the building structure.
  - iii. Alarm System: The marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company



#### H. Violations and Penalties

- a. Request for revocation of state operating license. If at any time an authorized business violates this ordinance or any other applicable licenses, the City may request LARA revoke or refrain from issuing the business's state operating license. Any licensee whose license is subject for revocation or non-renewal due to violations of this ordinance shall be afforded a public hearing with the City Council. Such public hearing shall be properly noticed no less than 10 days prior to the hearing date.
- b. Civil Infraction: It is unlawful to disobey, neglect, or refuse to comply with any provision of this ordinance. A violation of this chapter is a municipal civil infraction and a nuisance per se. Each day the violation continues shall constitute a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to a fine of up to \$500.
- c. Other remedies: The foregoing sanctions are in addition to the City's right to seek other and appropriate remedies, including actions in law or equity.
- I. Publication and Effective Date: The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective thirty (30) days after enactment or publication, whichever is later.

At a regularly scheduled meeting of the Wayland City Council, Allegan County, Michigan, held on \_\_\_\_\_ in Wayland City Hall located at 103 South Main Street, Wayland, Michigan the following Ordinance was offered for adoption by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Yeas:

Nays:

\_\_\_\_\_  
Mayor Timothy Bala

\_\_\_\_\_  
City Clerk, LeeAnn Clausen