

**Village of Lawrence**  
**ORDINANCE**  
**2020-2**

**An Ordinance to Amend the Uncodified Village of Lawrence “Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities Pursuant to the Medical Marihuana Licensing Act Being Public Act 281 of 2016”**

WHEREAS, the Village of Lawrence has heretofore adopted the “Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities Pursuant to the Medical Marihuana Licensing Act Being Public Act 281 of 2016” and published the same in the Courier Leader on June 28, 2019;

WHEREAS the Village of Lawrence now wishes to amend both Section 3 of such ordinance in its entirety as well as subsection B of Section 4; and

NOW THEREFORE, the Village of Lawrence ordains:

Section 1: Section 3 of the Village of Lawrence Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities Pursuant to the Medical Marihuana Licensing Act Being Public Act 281 of 2016 is hereby amended in its entirety to read as follows:

**SECTION 3 – Authorization of Facilities and Fee**

- A. The maximum number of each type of marihuana facility allowed in the VILLAGE OF LAWRENCE shall be as follows:

<b>Facility</b>	<b>Number</b>	<b>Zoning</b>
<b>Grower:</b>		
<b>Class A – 500 Marihuana Plants</b>	<b>3</b>	PUD, Light Industrial, General Industrial
<b>Class B – 1000 Marihuana Plants</b>	<b>3</b>	PUD, Light Industrial, General Industrial
<b>Class C – 1500 Marihuana Plants</b>	<b>3</b>	PUD, Light Industrial, General Industrial
<b>Processor</b>	<b>3</b>	PUD, Light Industrial, General Industrial
<b>Secure Transporter</b>	<b>3</b>	PUD, Light Industrial, General Industrial
<b>Provisioning Center</b>	<b>3</b>	PUD
<b>Safety Compliance Facility</b>	<b>3</b>	PUD, Light Industrial, General Industrial

B. In addition to the maximum number of each type of marihuana facility above, the following additional marihuana facilities shall be allowed:

<b>Facility</b>	<b>Number</b>	<b>Zoning</b>
<b>Grower:</b>		
<b>Class C - 1500 Marihuana Plants</b>	<b>40</b>	PUD
<b>Processor</b>	<b>1</b>	PUD

In order to apply for and be issued a permit under this subsection (B), such permit application approval shall be subject to the following provisions:

1. The facility shall be part of a PUD established and existing in the Village as of January 1, 2020;
2. The facility shall be part of a parcel of land that contains at least 25 contiguous acres within the PUD designated for marihuana grow or processing use only;
3. The facility shall be part of a building or connected buildings that comprise a total of sixty thousand (60,000) gross square feet;
4. Marihuana permit facilities and corresponding state licenses may be stacked and co-located within the PUD, so long as conditions A through C above are met by the applicant and the facilities comply with Section 9.D of this Ordinance; and
5. In the event the Village issues recreational marihuana facility permits in the PUD under subsection (A), such permits issued shall reduce the number of permits available under this subsection (B). It is the intent of this provision that not more than forty (40) Class C Grow Facility and one (1) Processor permits be issued in the PUD to applicants qualifying for such permits under this subsection (2), regardless of whether such permits are issued as medical marihuana or Medical marihuana permits.

C. Upon request of an applicant who has been issued one or more marihuana facility permits pursuant to subsection (B), the Village shall agree to reserve marihuana facility permits for the applicant pursuant to the following conditions;

1. The development of the PUD parcel referenced in subsection 3(B) above for marihuana facilities is to occur within two (2) or more phases;
2. The applicant has identified the future phases and proposed building locations on the PUD parcel in plans submitted to the Village;

3. The applicant has previously been issued a marihuana facility permit or permits in the PUD parcel referenced in 3(B) above and meets the requirements of subsections (B) and (C) hereunder and has paid the requisite permit fee(s) to the Village;
  4. The applicant pays to the Village a reservation fee of \$2,000 per permit reserved, which amount shall be applied against the permit fee(s), which such permit fee(s) shall be applied to the total permit fee in effect at the time of permit issuance;
  5. The reservation of permits shall not be construed as an approval or issuance of any permit by the Village and the applicant shall be required to comply with this Ordinance and acquire requisite approval from the Village for each permit reserved;
  6. The applicant's reservation request shall be approved by the Village by resolution and a written agreement, in form and substance, acceptable to the Village;
  7. At the time of the approval by the Village in subsection C(6) above, the applicant shall have been issued one or more building permits or has commenced construction of a prior phase for which facility permits have been issued;
  8. The reservation request, upon approval, shall be in effect for three (3) years from the date of the Village approval. The reservation may be extended for a period of up to one (1) year by the Village, after a submittal in writing by the applicant, showing good cause for the extension and payment by the applicant of a \$1000 extension review fee. In the event the applicant does not apply for and/or be approved for, the reserved permits within three (3) years, or as extended hereunder, such reservation fee as stated in subsection C(4) hereunder shall be forfeited to the Village. A reservation of permits is not subject to renewal pursuant to Section 5; and
  9. The facility permits so reserved hereunder shall have the effect of reducing the number of allowed permits available for issuance by the Village and such reservations shall not be construed to allow facility permit reservations or permits issued in excess of the limits stated herein.
- D. At least every year after adoption of this ordinance, VILLAGE Council shall review the maximum number of each type of marihuana facility allowed and determine whether this maximum should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the VILLAGE Planning Commission.
- E. A nonrefundable fee shall be paid by each marihuana facility permitted under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the VILLAGE OF LAWRENCE.

In addition to the foregoing Section 3 amendment, subsection B of Section 4 of the "Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities Pursuant to the Medical Marihuana Licensing Act Being Public Act 281 of 2016" is hereby also amended, as follows:

- B. An application for a Medical Marihuana Facility Permit required by this Ordinance shall contain following:
1. The appropriate non-refundable permit application fee in the amount determined by the VILLAGE.
  2. If the applicant is an individual, the applicant's name date of birth, SSN, physical address including residential and any business address(s), attached to the individual, copy of government issued photo identification, email address, and one or more phone numbers including emergency contact information, and if applicable Federal EIN;
  3. If the applicant is not an individual, the names date of birth, SSN's, physical addresses, including residential and any business(s), copy of government issued identification, mail addresses, and one or more phone numbers of each stakeholder and general partners of the applicant, including designation of the highest ranking stakeholder and/or general partner as an emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS- 4,EIN confirmation letter(s), and a copy of the operating agreement of the applicant, if a limited liability company of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation;
  4. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary and requested by the VILLAGE.
  5. For the applicant, for each stakeholder and /or general partner of the applicant, an affirmation under oath as to whether they are at least 21 years of age and have never been indicted for, charged with, arrest for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense, under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.
  6. Before hiring a prospective agent or employee of the applicant, the holder of a permit shall conduct a background check of the prospective employee. If the background check indicates a pending criminal matter or conviction within the past ten (10) years for a controlled substance -related felony, the applicant shall not hire the prospective employee or agent without written permission from the VILLAGE Council.

7. A signed release authorizing the VILLAGE OF LAWRENCE Law Enforcement Designee to perform a criminal background check to ascertain whether the applicant, each stakeholder of the applicant, each managerial employee of the applicant met the criteria set forth in this Ordinance, the cost of which will be charged to the applicant;
8. The name, date of birth, physical address (residential and business address(s), copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than the applicant;
9. An Affirmation under oath as whether the applicant or Stakeholder has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renew and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or non-renewal, including the licensing authority, the date each action was taken, and the reason for each action;
10. One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring a permit under this Ordinance along with a copy of the lease for the premises;
11. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or applicable State Laws, covering the Medical Marihuana Facility and naming the VILLAGE as additional insured party, available for the payment of any damages arising out of an act of omission of the applicant or its stakeholders, agents, employees, or subcontractors;
12. A description of the security plan for the Medical Marihuana Facility, including, but not limited to, any lighting, alarms barriers, recording/monitoring devises, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;
13. A crisis response plan;
14. A floor plan of the Medical Marihuana Facility, as well as a scale diagram illustrating the property upon which the Medical Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible, and the location of the Material Safety Data sheets and any chemical storage;
15. A list of any chemicals being stored on the premises;
16. An affidavit that neither the applicant nor any Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the VILLAGE;

17. An affidavit that the transfer of Marihuana to and from Medical Facilities shall be in compliance with the MMMA and the Medical Facilities Licensing Act or other applicable state laws;
18. A staffing plan;
19. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;
20. A patient education plan where applicable;
21. A business plan which contains but is not limited to the applicant's experience in operating other similarly permitted or licensed businesses and the applicant's general business management experience;
22. A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and distances (closest property line to the subject Medical Marihuana Facility's building) to the subject Medical Marihuana Facility to the closest real property comprising a public or private elementary, vocational or secondary school; and church or a place of worship;
23. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;
24. An affidavit from the applicant that the applicant has access to sufficient funds to open and operate its proposed marihuana establishment.
25. As it relates to a Grower Facility, the following additional items shall be required:
  - a. A grower plan that includes a minimum description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;
  - b. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be requested, and how the test results will be used;
  - c. An affidavit that all operations will be conducted in conformance the Michigan Medical Marihuana Facility Licensing Act.
  - d. A chemical and pesticide storage plan that states the names of chemicals and pesticides to be used in the Grower and where and how the pesticides and other chemicals will be stored in the facility, along with plan for disposal of unused pesticides and chemicals;
  - e. All Growing must be performed within an Enclosed Locked Facility.
26. A community outreach plan stating how the applicant will engage with the local community to establish and maintain sustainable community development.


**SECTION 2:** This Ordinance shall be published in full in the Courier Leader, a newspaper of general circulation in the Village of Lawrence and qualified under State Law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Village President and Village Clerk.

**SECTION 3:** This Ordinance shall take effect on the date of publication.

Motion was made by: Ouzts                      Supported by: Gritter  
Yeas: Glennie, Gritter, Ouzts, Lorenzo, Webster, Quick  
Nays: None  
Absent: Keyser

Made, passed and adopted by the village council of the Village of Lawrence, Van Buren County, Michigan, on the 10th day of March 2020, and published in the Courier Leader on March 13, 2020.

Adopted and signed this 10<sup>th</sup> day of March, 2020.

  
Lucinda R Nower  
Clerk, Village of Lawrence