

VILLAGE OF MESICK

ORDINANCE NO. 2025- 01

AN ORDINANCE TO AMEND THE VILLAGE ZONING ORDINANCE TO AUTHORIZE CERTAIN TYPES OF MARIHUANA FACILITIES

Section 1. Findings and Purpose.

It is the purpose of this ordinance to exercise the police powers of the Village of Mesick by permitting and regulating Retailers within the Village to the extent permissible under the State of Michigan and Federal laws and regulations and to protect the public health, safety and welfare of the residents of the Village of Mesick; and, as such, this ordinance constitutes a public purpose.

Section 2. Legislative Intent.

- A. The Village of Mesick finds that the activities described in this ordinance are sufficiently connected to the public, health, safety, and general welfare of the community at large, to retain the character of neighborhoods, and mitigate potential impacts on surrounding properties and persons and it is therefore necessary to regulate and enforce safety, fire, security, policing, health and sanitation practices related to such activities. It is the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the Village of Mesick through imposition of an annual, nonrefundable fee of not more than \$5,000 on each marihuana establishment. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with the intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

Section 3. Definitions

For the purpose of this ordinance:

- A. Any term defined by the Marihuana Tracking Act MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- B. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL

333.27951 et seq., shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.

- C. "Licensee" means a person holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
- D. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; 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.; and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.
- E. "Marihuana Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., including a marihuana grower, marihuana processor, marihuana microbusiness, marihuana secure transporter, marihuana retailer, marihuana safety compliance facility, or any other type of marihuana- related business licensed by the department.
- F. "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, marihuana retailer, or marihuana microbusiness.
- G. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- H. "Processor" means a licensee that is a commercial entity located in 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 marihuana retailer.
- I. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility, marihuana establishment, or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test result and may return the marihuana to the marihuana facility.
- J. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities and marihuana establishments for a fee.
- K. "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- L. "Marihuana retailer" means a person licensed to obtain marihuana from marihuana facilities and to sell or otherwise transfer marihuana to marihuana facilities and to

individuals who are 21 years of age or older.

Section 4. Authorization of Facilities and Fee

The following types of marihuana facilities may be established and operated by a licensee in the Village, subject to compliance with Act 281, the Rules promulgated thereunder and this ordinance:

<u>Facility</u>	<u>Number</u>
Grower	0
Processor	0
Secure transporter	0
Retailer	2
Safety compliance facility	0
Microbusiness	0

A non-refundable 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 Mesick Village Council.

Section 5. Application for Permit

- A. No person shall operate a marihuana facility in the Village of Mesick without a valid marihuana permit issued by the Mesick Council, pursuant to the provisions of this ordinance.
- B. Every applicant for a permit to operate a marihuana facility shall file an application with the Clerk of Mesick, or his/her designee, upon a form provided by the Village of Mesick.
- C. Every applicant for a permit to operate a marihuana facility shall submit with the application proof that the applicant has applied for a state operating license for a marihuana establishment in accordance with MRTMA, MCL 333.27951 et seq.
- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the municipal official shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Village Council, or their designee, shall act to approve or deny an application not later than fourteen (14) days from the date the application was accepted. If approved, the Village Council or their designee, shall issue the applicant a provisional permit.
- E. A provisional permit means only that the applicant has submitted a valid application for a marihuana facilities permit, and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Village of Mesick. A provisional permit will lapse and be void if such additional permits and approvals are not diligently pursued to completion.
- F. Within forty-five (45) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the permit fee, the Council shall approve

or deny the marihuana facility permit. The Village of Mesick Council shall issue marihuana facilities permits in order of the sequential permit number previously assigned.

- G. An authorized marihuana facility shall only be operated within the Village by the holder of a state operating license issued pursuant to MRTMA, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
- H. In the event the applications for a marihuana facility permit received exceed the number of available permits under this ordinance, the Village Council shall assess each application and approve the issuance of permits through a competitive process intended to select applicants who are best suited to operate in compliance with MRTMA and the Village Code.
- I. A marihuana facility permit issued under this ordinance is not transferable.

Section 6. Requirements and Procedure for Issuing Local Permit

- A. Not more than two (2) marihuana retailers shall be established, operated or permitted in the Village.
- B. A marihuana facility shall be established and operated only by a person who has been issued a state operating license. The facility shall be operated only so long as the state operating license remains in effect and only in accordance with the terms of the license.
- C. A marihuana facility shall be established only by a person who has been issued a Village permit under the terms of this ordinance. The facility shall be operated only so long as the Village permit and State operating license remain in effect and only in accordance with the terms of the permit.
- D. A marihuana facility shall not be operated in any Village neighborhood that is predominantly residential.
- E. A marihuana facility shall comply with the applicable provisions of the construction codes enforced within the Village limits. Permits under such codes shall be secured if required.
- F. A marihuana facility may not be located within 1000 feet of: (1) a public or private elementary, junior, senior, vocational, or secondary school; or (2) a church or a religious institution defined as exempt by the local Assessor's office.
- G. A marihuana facility may only be located in the Commercial District.

Section 7. Village Marihuana Retailer Operations

- A. The Village shall not issue a marihuana permit to an applicant that has an interest in a secure transporter or safety compliance facility.
- B. A marihuana retailer permit shall operate only on the property and at the address specified in the retailer's permit.
- C. The marihuana retailer permit shall authorize the sale of marihuana or marihuana-infused products only to individuals who are 21 years of age or older.

- D. A marihuana retailer shall transport marihuana offsite only by means of a licensed secure transporter.
- E. A marihuana retailer shall enter all marihuana transactions, its current marihuana inventory and other required information into the statewide monitoring system as required by the Michigan Regulation and Taxation of Marihuana Act and the Marihuana Tracking Act.

Section 8. Permit Renewal

- A. A marihuana facilities permit shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facilities permit shall be renewed on an annual basis, assuming licensure by the State of Michigan, by submitting a renewal application upon a form provided by the Village of Mesick and payment of the annual permit fee. Application to renew a marihuana establishment permit shall be filed at least thirty (30) days prior to the date of its expiration.

Section 9. Revocation of Permit.

- A. A marihuana facility permit may be revoked by the Village Council for noncompliance with the Act, other applicable state laws and Rules, this ordinance, or other applicable Village ordinances. Such revocation shall be in addition to the available remedies under Section 11.
- B. The Clerk shall give written notice to the permit holder of the Village Council's intent to revoke the permit. The notice shall state the reasons for the proposed revocation. The notice shall state that the applicant may attend a hearing before the Village Council and may be heard, as to the revocation. At least 10 days' notice of the hearing shall be given; the notice shall state the date, time and place of the hearing. At or prior to the hearing, the applicant may submit written comments with respect to the proposed revocation.
- C. Following the hearing, the Village Council may, in writing, revoke the permit. elect not to revoke the permit or may impose additional terms and conditions in the permit for the purpose of gaining compliance as to the matters for which revocation was considered.
- D. The revocation of a permit shall not entitle the permit holder to any refund of the annual marihuana facility fee or other fees or charges paid under the terms of this ordinance.
- E. A permit holder may appeal the revocation of a permit to the Village Council, by filing a written appeal with the Clerk within 10 days after the Clerk has issued the written revocation, but there shall be no appeal after such period of time. of a denial of a marihuana facility application.

Section 10. Applicability

The provisions of this ordinance shall be applicable to all persons, facilities, and establishments described herein, whether the operation or activities associated with a marihuana facilities were established without authorization before the effective date of this ordinance.

Section 11. Penalties and Enforcement

- A. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than (\$500.00), plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village of Mesick may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- C. This Ordinance shall be enforced and administered by the municipal official, or such other official as may be designated from time to time by resolution of the Mesick Council.

Section 12. 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 the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 13. Effective Date

That this Ordinance shall become effective immediately after enactment and upon publication thereof.

Date: 6-11-2025

David H. Clow

, President

Deborah E. Stanton

, Clerk

I, Deborah E. Stanton Clerk for the Village of Mesick, hereby certify that above ordinance was adopted on this 11 day of June, 2025.

Deborah E. Stanton
Village Clerk