

**VILLAGE OF WOLVERINE  
COUNTY OF CHEBOYGAN  
STATE OF MICHIGAN  
MARIJUANA FACILITIES ORDINANCE  
ORDINANCE NO. 23  
ORDINANCE ADOPTED: \_\_\_\_\_  
EFFECTIVE DATE: Thirty (30) Days from Publication**

THE VILLAGE OF WOLVERINE ORDAINS:

**Sec. 1 – Legislative Intent**

The purpose of this ordinance is to regulate adult-use marihuana establishments. The Village finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this ordinance to diminish, abrogate, or restrict the protections for adult-use marihuana use found in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. (the “Act”).

**This ordinance shall be known and may be cited as the Village of Wolverine Regulation of Adult-Use Marihuana Establishments Ordinance.**

**Sec. 2 – Definitions**

The words and phrases used in this ordinance shall have the following meanings, or the meanings ascribed in the Act or the state rules, unless the context clearly indicates otherwise:

*Child care center or day care center* means a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. All child care centers and day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of “Child Care Center” or “Day Care Center.”

*Child care or day care, family home* means a private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

*Child care or day care, group home* means a private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

*Cultivate* means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

*Department* means the Michigan Department of Licensing and Regulatory Affairs.

*Designated consumption establishment* means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

*Industrial hemp* means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

*Marihuana* means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

1. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or

- cake, or any sterilized seed of the plant that is incapable of germination;
2. industrial hemp; or
3. any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

*Marijuana concentrate* means the resin extracted from any part of the plant of the genus cannabis.

*Marijuana establishment* means a marijuana grower or excess grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, designated consumption establishment or any other type of marijuana-related business licensed by the department.

*Marijuana grower* means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments. Marijuana grower license types are:

1. Class A – not more than 100 marijuana plants;
2. Class B – not more than 500 marijuana plants;
3. Class C – not more than 2000 marijuana plants;
4. Excess marijuana grower – issued to a person who holds 5 stacked Class C licenses

*Marijuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

*Marijuana microbusiness* means a person licensed 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.

*Marijuana processor* means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.

*Marijuana retailer* means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

*Marijuana secure transporter* means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

*"Marihuana safety compliance facility"* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

*Municipal license* means a license issued pursuant to section 6 of the Act (MCL 333.27956) that allows a person to operate a marihuana establishment in the Village of Wolverine.

*Municipality* means the Village of Wolverine.

*Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

*Process or Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

*Provisional License* means a certification provided by the Village of Wolverine to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.

*Religious Institution* means an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

*School* means a public or private licensed institution where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12.

*State rules* means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.

*State license* means a license issued by the Department that allows a person to operate a marihuana establishment.

**Sec. 3 – Authorization of Marihuana Establishments**

1. The Village hereby authorizes, subject to the issuance of a municipal license by the Village Clerk, the following types of marihuana establishments within the boundaries of the village, pursuant to section 6.1 of the Act. The establishments and numbers thereof authorized pursuant to this ordinance are relating only to the Act:

a. Class A Marihuana Grower	None
b. Class B Marihuana Grower	None
c. Class C Marihuana Grower	None
d. Excess Marihuana Grower	None
e. Marihuana Processor	None
f. Marihuana Retailer	One (-1-)
g. Marihuana Safety Compliance Facility	None
h. Marihuana Secure Transporter	None
i. Marihuana Microbusiness	None
j. Temporary Marihuana Event	None
k. Designated Marihuana Consumption Establishment	None

**Sec. 4 – License Required for Recreational Marihuana Establishment**

1. It shall be unlawful to operate a marihuana establishment in the Village of Wolverine, without first obtaining a municipal license to operate pursuant to this ordinance, having a validly issued state license in good standing, and having paid all applicable fees.
2. No person who is employed by the village, acts as a consultant for the Village or acts as an advisor to the village, and is involved in the implementation, administration or enforcement of this ordinance shall have an interest, directly or indirectly, in a Marihuana Establishment.

**Sec. 5 – Permitted Locations**

1. All municipal licenses for marihuana establishments shall be issued for a specific physical location, which shall be designated as the licensed premises. The permissibility of a license in a specific location is contingent on the requirements provided in the Wolverine Zoning Ordinance.

## **Sec. 6 – Buffering Requirements**

1. A municipal license for a marihuana establishment shall only be issued if the proposed establishment meets with the following buffering requirements. Marihuana establishments shall not be located within:
  - a. 500 feet of a school, as measured from the parcel lines of the individual properties;
  - b. 500 feet of a religious institution, as measured from the parcel lines of the individual properties;
  - c. 500 feet of a Substance Abuse Disorder Program licensed by the State of Michigan;
  - d. 500 feet of the Wolverine Community Library.

## **Sec. 7 – Provisional License; Municipal License to Operate Marihuana Establishment**

1. The Village Clerk shall act to approve or deny an application not later than one hundred twenty (120) days from the date of the completed application, complying with the requirements set forth in Section 8 of this Ordinance, is filed. If approved, the Clerk shall issue the applicant a provisional license, which does not convey the ability to operate a marihuana establishment.
2. A provisional license will be accompanied by a completed attestation form, in compliance with the Act and the state rules, specifically the Emergency Rules of July 3, 2019, Rule 8, Section 1(e)(iii), and will facilitate the application process for a state license.
3. At the time the Clerk receives verification that the applicant has received a valid state license, the Clerk will provide the applicant with a municipal license, which conveys the ability to operate a marihuana establishment.
4. Municipal licenses will be issued for the term of one year and will run concurrently with the term of the applicant's state license. Municipal licenses may be renewed upon receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing. Successive renewals will each be valid for one year.

5. Maintaining a valid state license is a condition for the maintenance of a Village license under this ordinance and continued operation of a marihuana establishment. A provisional license does not authorize operations until a final license is issued, which will only occur upon issuance of the appropriate state license.

## **Sec. 8 – Municipal License Application**

1. Every applicant for a municipal license to operate a marihuana establishment shall file an application in the office of the Village Clerk upon a form provided by the Clerk. The application shall include:
  - a. The appropriate non-refundable municipal license application fee, as established by Village resolution of the Wolverine Village Council;
  - b. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;
  - c. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each person holding ownership interest in the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
  - d. The name and address of the proposed marihuana establishment;
  - e. A notice of pre-qualification status approval from the Department, as defined under the state rules, specifically the Emergency Rules of July 3, 2019, Rule 6, Section 2;
  - f. A copy of the Special Land Use Permit issued by the Village of Wolverine Planning Commission; approved by the Planning Commission and Village Council;

- g. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (as measured from the parcel lines of the individual properties) to the closest real property comprising a public or private elementary, vocational or secondary school;
  - h. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Village, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, or attorney fees that the applicant may incur as a result of the violation by the applicant, its stakeholders and agents of those laws, rules, and regulations; and any other information which may be required by the Clerk.
2. No person shall be issued a municipal license without first having obtained from the Village of Wolverine Planning Commission and a Special Land Use Permit authorizing the operation of the establishment pursuant to the Village of Wolverine Zoning Ordinance.
  3. Upon an applicant's completion of the above-described form and furnishing of all required information and materials, the Village Clerk shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance.
  4. If the application is denied, the Clerk shall issue a written notice of denial to the applicant. All communications will be sent by first class mail to the address for the applicant provided on the application.
  5. Upon receipt of a completed marihuana establishment application meeting the requirements of this ordinance and confirmation that the issuance of the proposed municipal license would not exceed



the maximum number permitted in Section 3 of this ordinance, the Village Clerk shall refer a copy of the application to each of the following for their review and approval: the police chief or designee, the fire chief or designee, the Village Treasurer or designee and the zoning administrator or designee.

6. A municipal license will not be granted until the application materials have been reviewed and approved by the Village Council, which will inspect the plans of the proposed location for compliance with all laws for which they are charged with enforcement, and the Village President or his/her designee has conducted all inspections deemed necessary.
7. A municipal license will not be granted until the applicant, and each person holding an ownership interest in the applicant, have passed a criminal background check conducted by the Village of Wolverine Council.
8. A municipal license will not be granted until the Village Treasurer verifies that the applicant does not owe to the Village any taxes or other default.
9. Municipal license holders shall report any other change in the information required by this ordinance to the Village Clerk within 10 business days of the change. Failure to do so may result in suspension or revocation of the license.

#### **Sec. 9 – License Denial; Appeal**

1. Should the Village Clerk deny an application, the applicant shall have 14 days from the mailing of the denial to appeal the denial to the Village President by filing a notice of appeal with the Village President's office. The Village President may require additional information or act upon the appeal based upon the information supplied to the Village Clerk. Should the Village President reverse the decision of the Village Clerk, the Village Clerk shall issue a provisional license. Should the Village President affirm the decision of the Village Clerk, the Village President shall issue a written notice affirming the decision. All communications will be sent by first class mail to the address for the applicant provided in the application.
2. The applicant shall have 14 days from the mailing of a decision by the Village President affirming the decision of the Village Clerk to appeal to the Village Council. To appeal the decision of the Village

President, the applicant must file a notice of appeal with the Village Clerk. The Village Council shall hear the appeal at its next regular meeting, but not sooner than seven (7) days from the receipt of the appeal.

#### **Sec. 10 – Minimal Operation Standards for Marihuana Retailer**

1. The following minimum standards shall apply for marihuana retailers:
  - a. No retail establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
  - b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
  - c. The public or common areas of the retail center must be separated from restricted or non-public areas of the establishment.
  - d. A drive-through window on the premises of a retail establishment shall not be permitted.
  - e. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
  - f. No retail establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
  - g. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.
  - h. No marihuana retailer may refuse designated representative(s) of the Village of Wolverine Council the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

#### **Sec. 11 – License Revocation**

1. A municipal license or provisional license issued under this ordinance may be revoked upon the Village Clerk's determination that grounds for revocation under this ordinance exist.
2. A license issued under this ordinance may be revoked on any of the following basis:

- a. Any violation of this ordinance;
  - b. Revocation of the Special Land Use Permit issued by the Village of Wolverine;
  - c. Any conviction of delivery of a controlled substance to a minor;
  - d. Village Clerk finding of fraud, misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this ordinance requires a municipal license or in connection with the application for a license or request to renew a municipal license;
  - e. The municipal license holder or any of its stakeholders is in default to the Village personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
  - f. The marihuana establishment is determined by the village to have become a public nuisance; or
  - g. The department has denied, revoked or suspended the applicant's state operating license.
3. Should the Village Clerk revoke a license, the municipal license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the Village President. The Village President may require additional information or act upon the appeal based upon the information supplied to the Village Clerk. Should the Village President reverse the decision of the Village Clerk, the Clerk shall reinstate the license. Should the Village President affirm the decision of the Village Clerk, he/she shall mail by first class mail a written notice affirming the decision to the address for the municipal license holder contained in the Village Clerk's records.
4. Should the Village President affirm the revocation of a municipal license by the Village Clerk, the municipal license holder shall have 14 days from the mailing of the decision of the Village President to appeal the decision to the Village of Wolverine, by filing with the Village Clerk a written notice of appeal. The Village of Wolverine shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven (7) days from the receipt of the appeal.

**Sec. 12 – Penalties and Discipline**

1. The Village of Wolverine may require an applicant or municipal license holder to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.
2. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of \$500, 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.
3. Any violation of this ordinance may result in revocation, as defined in section 11 of this ordinance.

**Sec. 13 – Right to Amend**

1. The Village of Wolverine Council reserves the right to amend or repeal this ordinance in any manner, including prohibiting or limiting the type or number of adult use marihuana establishments and state license types authorized to operate in the Village.

**Sec. 14 – Severability**

1. 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

**Sec. 15- Effective Date and Publication.**

This ordinance shall take effect on \_\_\_\_\_, 2023, but not before publication.