



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

October 2, 2021

SUBJECT: MARIJUANA LAND USES

ADMINISTRATIVE SUMMARY

Introduction, Site Visits, and Other Industry Research Efforts

Marijuana has been a topic of discussion since Michigan's legalization of Medical Marijuana in 2008. This discussion was amplified in 2018 when Michigan voters approved the Michigan Regulation and Taxation of Marijuana Act (MRTMA). Shortly after approval, the City of Brighton opted out of MRTMA on December 20, 2018. The purpose of the opt out centered around allowing time for the State to create and finalize regulations. There was recognition of the City's affirmation of the act by its voters, but no desire by City Council to be "the first" community to move forward.

Since 2018, there have been multiple discussions with City Council and with Planning Commission (discussed below), with City Council sentiment moving towards action of some type, which led to the setting of the October 2, 2021 work session.

As discussions have progressed, staff, with the assistance of legal counsel, planning consultant, peer communities, and industry insiders, has worked to become more familiar with the pros and cons of allowing marijuana businesses and the processes necessary to do so. Staff has recently visited, a safety compliance facility, provisioning center, grow operation, and processing facility. Visits to a secure transport facility and processing center are envisioned in the future.

What We Know About a Local Ballot Initiative

Besides the ongoing maturity of the recreational marijuana industry in Michigan, and continued interest in the City of Brighton, the interest in the October 2 work session was also informed by the filing of a related ballot committee in Livingston County. The *Livingston Compassion Coalition 2021* was formed on July 5, 2021 by a Genoa Township resident. The statement of organization form filed at the Livingston County Clerk's Office targets a specific election as the "November 2021 Local MMJ Proposal". The coalition failed to file a ballot proposal in time for the November 2021 election; however, the form can be amended and does not expire until dissolved. It is possible the coalition had larger municipalities to organize before the City of Brighton.

Per the full text of the voter approved ballot proposal of 2018, the valid signatures of 204 electors would be required by City of Brighton voters to place a marijuana ballot proposal on a regular election ballot. The Village of Pinckney required 53 valid signatures. Listed in the proposed petition ordinance (attached) for the Village of Pinckney clearly defines a minimum number of each type of marijuana establishments in the Village. These ballot proposal language initiatives dictate the ordinance, some of which have become challenging for local municipalities due to deficiencies in wording and structure.

Village of Pinckney ballot language: *A proposal, if adopted, to provide for the number of Marijuana Establishments within the Village, including regulatory and application provisions incidental to a system of safe and legal access to marijuana within the municipality. Shall the proposal be adopted?*

Proposal language on the ballot is a summary or short synopsis and is 100 words or less. For comparison see the full Village of Pinckney ballot proposal of November 2020 (attached).

Potential Financial Effects of the Marijuana Industry in Brighton

One commonly cited reason to pursue the marijuana industry is increased revenues. This reasoning does have merit, but City Council, and the community, should understand what this does and does not mean, and maintain reasonable financial expectations.

Property taxes levied against marijuana based business will be treated no differently than other commercial or industrial properties in the city. The only significant changes we may see is increased personal property tax if the businesses in question exceed the \$80,000 threshold set by the State. The city's assessor has prepared a memo for City Council outlining the expected taxation for various types of marijuana businesses.

Annually the City "may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marijuana establishment in the municipality."

In addition to property taxes and the annual licensing fee, the Michigan Regulation and Taxation of Marijuana Act – Initiated Law 1 of 2018 (the "Act") calls for the imposition of an excise tax of 10% of the sales price for marijuana sold or otherwise transferred to anyone other than a marijuana establishment. The proceeds from this excise tax will be deposited into the State's newly created Marijuana Regulation Fund. Annual expenditures from this fund will be prioritized in the following order:

1. Costs for the implementation, administration, and enforcement of the Act
2. Until 2022 or for at least two years to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marijuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide.
3. Remaining unexpended balances must be allocated as follows:
 - a. **15% to municipalities in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the municipality;**
 - b. 15% to counties in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the county;
 - c. 35% to the school aid fund to be used for K-12 education; and
 - d. 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Item 3a. above represents the bucket from which the city would receive revenue for every licensed retail store or microbusiness within our jurisdiction. For the state of Michigan's 2020 fiscal year, more than \$31 million was collected from the 10% adult-use marijuana excise tax. Combined with fees, there was a total of \$45.7 million available for distribution from the fund. This resulted in payments to municipalities of approximately \$28,000 per licensed retail store or microbusiness. Annual distributions will fluctuate. The risk to the City is if the number of licensed retail stores or microbusinesses grow faster than the annual excise tax.

Community Feedback

In response to a recent article on Rolison's/City Press Release, Staff has received a variety of phone calls about the City's status on Marijuana. At last count, Staff had fielded over thirty (36) phone calls. While a few of these calls were from residents, the vast majority were from business owners, industry advocates, or other Marijuana affiliated groups. By all accounts from these phone calls, there is a strong interest in seeing some sort of Marijuana business in Brighton (regardless of type). It was also communicated that many of these industry stakeholders plan to attend Council meetings in which marijuana is discussed.

It should be noted the City has primarily relied on the 2018 Proposal 1 election results as the indicator for the support of marijuana businesses within City limits. Results were as follows:

Proposal 18-1

Precinct	Yes	No	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
City of Brighton, Precinct 1	59.8%	40.2%	1085	17	0	392	710	1102	1785	61.74 %
City of Brighton, Precinct 2	62.9%	37.1%	856	12	0	316	552	868	1425	60.91 %
City of Brighton, Precinct 3	54.2%	45.8%	1164	25	0	409	780	1189	1603	74.17 %
City of Brighton, Precinct 4	47.9%	52.1%	942	9	1	491	461	952	1184	80.41 %

The 2020 Biennial Citizen Survey asked a variety of questions regarding the placement of marijuana related establishments and the types to inform future discussions. The results are attached.

Community/Business Development Perspective

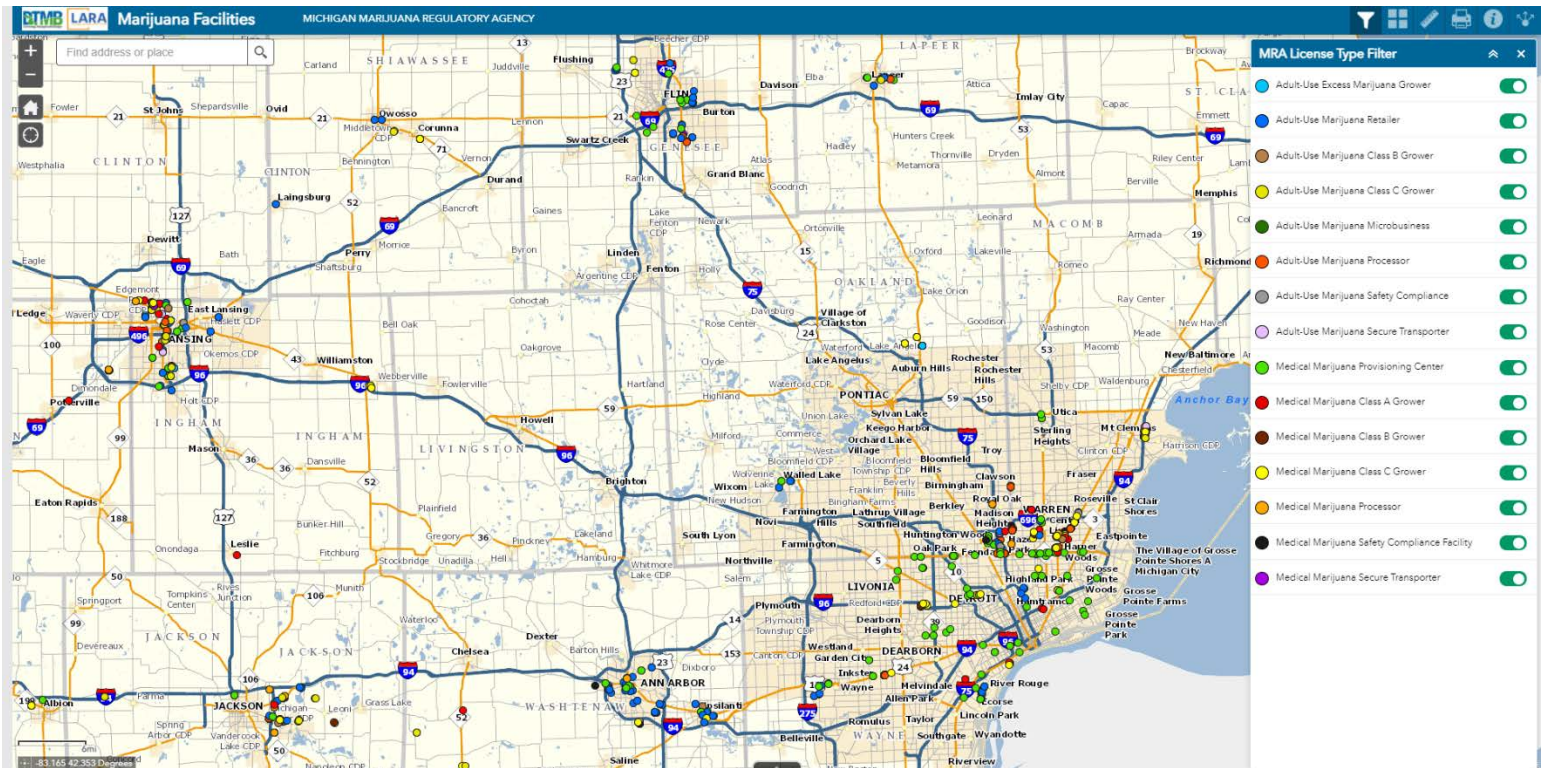
In December of 2019, the Planning Commission meeting agenda included an informational presentation by Jill Bahm, from Giffels Webster, on the Medical Marijuana and the Michigan Regulation and Taxation of Marijuana Acts. There were questions and concerns raised in a discussion by the Commission, in which they determined there were too many “unknowns” with the industry being new at the time, and City Council recently passing an ordinance opting out of all marijuana regulations. The Commissioner’s requested if a yearly update could be presented, but it was obvious there was not much support for marijuana facilities. The topic has not been back on an agenda for the Planning Commission to review.

With the potential being real that a ballot initiative could make it to city residents at a future election, the need for a discussion regarding the creation of a zoning ordinance is also real. Even if City Council remains status quo, it is becoming more obvious an ordinance should be created for the sole reason of being prepared and protected from a legal aspect. Zoning for marijuana facilities will require numerous decision points, and the Planning Commission may need direction from City Council to begin the discussion. The following are just some of the issues to discuss:

- Allowing Medical, Recreational, or Both;
- What types of marijuana business licenses should be allowed;
- A process to determine who is issued a license;
- Locations for facilities, which would include determining areas and setbacks from certain things (schools, daycares, Downtown Business District, churches, etc.);
- How many licenses of each type would be allowed

A point that should be made, the Community Development Department has received numerous calls in opposition to marijuana facilities being allowed to operate in the downtown area. These calls are not only from concerned citizens and residents, but business owners, and developers interested in investing in our downtown have communicated their dislike as well.

As illustrated in the map below, there are no facilities in and around the intersection of I-96 and US-23. However, please note, this map does not show new facilities in Whitmore Lake and Pinckney. This may present an opportunity for the City, however, as learned during multiple site visits, opportunities to take advantage of larger property tax generating facilities such as a grow operation are largely tapped out. It also sounds as though the safety compliance facility market is also growing saturated, however, we did learn of one who has outgrown their space.



(Source: <https://michigan.maps.arcgis.com/apps/webappviewer/index.html?id=cd5a1a76daaf470b823a382691c0ff60>)

Feedback from Public Safety

On 01-22-2021, the Chief sent an email to all of Council advising what PD has done to prepare for MRTMA. A lot of that information has not changed and to recap:

1. We sent emails to Chiefs of Police in communities that have Marijuana Provisioning businesses.
2. We reviewed and recorded certain points of interest located in certain cities ordinances regarding provisioning businesses.
3. We studied nomenclature from one of the state's largest Provisioning businesses, Lume.
4. We read and included an overview of the steps an applicant must take to apply for a license.
5. We studied the state law (still learning) titled Michigan Regulation and Taxation of Marijuana Act. Hyperlink attached <http://legislature.mi.gov/doc.aspx?mcl-333-27954>.

Since that email, we have again reached out to all of the same cities to see if there were any updates. We only had one response and that was from Adrian Police Department and it reads:

"The City of Adrian was an early adopter when the law changed in Michigan to treat marijuana like alcohol. Since then businesses have opened nine (9) provisioning centers and nine (9) grow/manufacturing facilities across the City. We also have a few grow operations that are under construction and haven't opened yet, and one (1) MJ safety compliance facility. By way of comparison, we have ~40 establishments licensed to sell alcohol.

Frankly, we haven't had any problems with the businesses or their employees. There is a lot of money associated

with MJ, and the business owners go out of their way to act responsibly, like any other legitimate business. In fact, they probably work a little harder, as they try to grow acceptance and become normalized. They have been more than helpful in solving many crimes in the neighborhoods around their facilities. In fact, we have had MJ operators go through their records and video, and come to us with suspect ID's for cases not even related to their businesses. Because the MJ sales operations keep great customer records, they have ID and photos of many people, and, at least in our case, share them freely.

Of course, these businesses house products that some want but don't want to pay for, so we have experienced attempts at retail fraud or burglaries regarding MJ, but no more so than a business selling any other commodity. And most of our MJ businesses have security systems that get great pictures and video.

We haven't seen a great boost in OWI cases related to marijuana either. We frequently use a DRE from a neighboring agency, and the explosion of drugged-driving we all expected hasn't materialized. In a city of ~21,000 residents and 2 residential colleges, we are seeing consistent OWID arrests less than once a month since 2016.

Outside the law enforcement realm, our MJ facilities have purchased/leased a large number of vacant or otherwise disused properties in the City, and have made huge improvements to the buildings and exteriors. I surveyed the properties in the city last week, and each was in much better condition than it had been pre-marijuana.

Overall, I really doubt that any greater number of people are buying and using marijuana now than they were before the law changed. The only difference is that the legitimization of marijuana has moved the sales out of residences and into storefronts."

Officer Kristi Bell, who is currently the School Resource Officer at Brighton High School, wanted to address Council on this topic as well. She writes:

"I wanted to write you all to discuss the impact of marijuana on our youth. As you know, I am the School Resource Officer for Brighton Area Schools. On a daily basis I hear about kids using marijuana (sometimes in class), kids eating edibles on the bus and kids wearing marijuana clothing. Some kids think marijuana is cool and they trying to glorify it.

A couple weeks ago, a man named Jermaine Galloway (aka Tall Cop) came to our county and spoke to a large crowd of school staff, police officers, Judges, Probation Officers, DHS members and more. What makes his presentation unique is that he arrived the day before the presentation and went to several vape/nicotine/tobacco stores in our community to see what he could obtain. He spoke about many of the harmful substances already readily available in our community that are damaging our youth to include a new marijuana variant. This variant, called Delta 8, is being sold at Vape shops and kids are calling it the diet marijuana. These variants exist and flourish in our community because Marijuana, albeit available, is not being sold at the corner. Start selling at the corner and we will see many more of our kids abusing this drug at ages younger than we thought possible.

The other factor to consider is the marijuana products being sold and ending up in the hands of kids have higher amounts of THC. Back in the day, marijuana had on average a 20% THC level. Now, kids are getting access to 80% THC levels. I have watched kids have severe medical emergencies after smoking marijuana and transported to the hospital. We (myself and school staff) are doing everything we can to combat the vaping/marijuana pandemic going on with kids, but we need the help of everyone to reduce the accessibility.

I have been approached by many people expressing concern over a dispensary going into downtown Brighton. They, along with me, feel dispensaries will give kids more access to marijuana. I have also spoken to other local

School Resource Officer's in our county, and they are dealing with the same thing in their schools and community. A dispensary in the City of Brighton, will without a doubt, put marijuana in the hands of kids from other schools and communities.

As you make decisions you feel are best for our city, please think of our kids, the kids of the surrounding communities and the drugs they will have access to. The lasting effects could have a tremendous impact on, not only their future, but the communities they live in.

Thank you for your time."

The concerns of the Police Department are:

- Burglaries/Robberies/ General Security
- Hours of Operation
- Parking/Traffic
- K-9 Use
- Odor Complaints
- Use Complaints
- Protest
- Accessibility to kids

Some of these concerns are manageable, but should be considered during City Council's discussion.

Feedback from Public Services

The following infrastructure concerns should be considered during the review of Marijuana related businesses;

- Water and sanitary sewer capacity available in the area. This is not a big concern as most of our system is capable of handling what would be required but an estimate would be useful.
- Are there any MDOT or EGLE regulatory compliance requirements for storage or transporting of materials. Anything that could affect waters of the State in the case of a spill or release?
- Cultivation and Growing facilities could pose a problem depending on the type of chemicals and fertilizers that are used and how they are discharged. The amounts put into the sanitary sewer could affect our regulatory compliance or upset the process at the wastewater treatment plant. More information would be needed for more definitive answers.
- Depending on the location or facility type, vehicle traffic could impact road conditions. Traffic volume or how shipping is handled may be something to consider.

RECOMMENDATION

Throughout the work session, in addition to the information and feedback above, City Council should consider the following questions and be ready to discuss in order to inform the process should Council move forward. Questions include:

- Why does the City of Brighton want to pursue the Marijuana Industry locally?
- What marijuana industries should be pursued? Medical, Recreational, or Both?
- What types of marijuana business licenses should be allowed?
- Should the City restrict the number of licenses? If yes, how many?
- The license selection process is the primary generator of litigation; can the City develop a process designed to avoid litigation?
- Where should marijuana businesses be allowed?
- What priorities are City Council willing to deprioritize to facilitate the advancement of Marijuana businesses in the City of Brighton?

It is understood that the work session may not result in answers to all of these questions should City Council desire to proceed, however, these are some of the questions that must be answered to inform local regulations.

Staff is ready to assist City Council with this important policy discussion and will be ready to proceed as directed.

Prepared by: City of Brighton Management Team
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Marcia Gebarowski, Ann Arbor SPARK

Approved by: Nate Geinzer, City Manager



VOTE YES FOR

- » Provide new tax revenue and licensing fees from marijuana businesses to support Village services, roads, police and fire.
- » Create hundreds of new job opportunities and prioritize the hiring of local residents.
- » Bring millions of dollars in new economic development into the Village.
- » Provide local, affordable access for medical marijuana patients with conditions like multiple sclerosis, ulcerative colitis, cancer, cerebral palsy, chronic pain, epilepsy, and many other critical conditions.
- » Create a new grant program to support new small businesses in the Village of Pinckney.



Vote YES

On Local Proposal 1

**A Better Pinckney with
No Tax Increase
for Pinckney Residents**

VOTE TUESDAY, NOVEMBER 3rd

VOTE
NOVEMBER 3

FIND IT

LOCAL PROPOSALS

PROPOSAL TO ALLOW MARIJUANA ESTABLISHMENTS IN PINCKNEY

A proposal, if adopted, to provide for the number of Marihuana Establishments within the Village, including regulatory and application provisions incidental to a system of safe and legal access to marijuana within the municipality.

SHALL THE PROPOSAL BE ADOPTED?

YES

NO

FILL IT

- **More Jobs for Pinckney residents.**
- **Improved Village Services!**
- **Money to Fight Blight!**
- **NO NEW TAXES for Pinckney residents.**

 **Vote YES**
On Local Proposal 1

PAID FOR BY **Jobs for Pinckney**
323 W MADISON ST | LANSING MI 48906



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US POSTAGE
PAID
MASS MAILING

*****FCRWSH**R 001 158

NT



VOTE MORE JOBS
FOR PINCKNEY

Now
HIRING!

Vote YES on Nov. 3rd

Vote YES for hundreds of new jobs!
Vote YES for improved village services!
Vote YES for economic development!



Vote YES

On Local Proposal 1

- ✓ Prohibits the sale of marijuana to anyone under the age of 21
- ✓ Would require testing of all marijuana products sold in retail outlets licensed by the Village of Pinckney
- ✓ Would provide additional worker protections and require that businesses hire people negatively impacted by marijuana prohibition
- ✓ Prohibits green crosses and use of the word "marijuana" on store signs
- ✓ Prioritizes the hiring of Pinckney residents
- ✓ A Better Pinckney with **NO TAX INCREASE**

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323 W MADISON ST | LANSING MI 48906



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we're

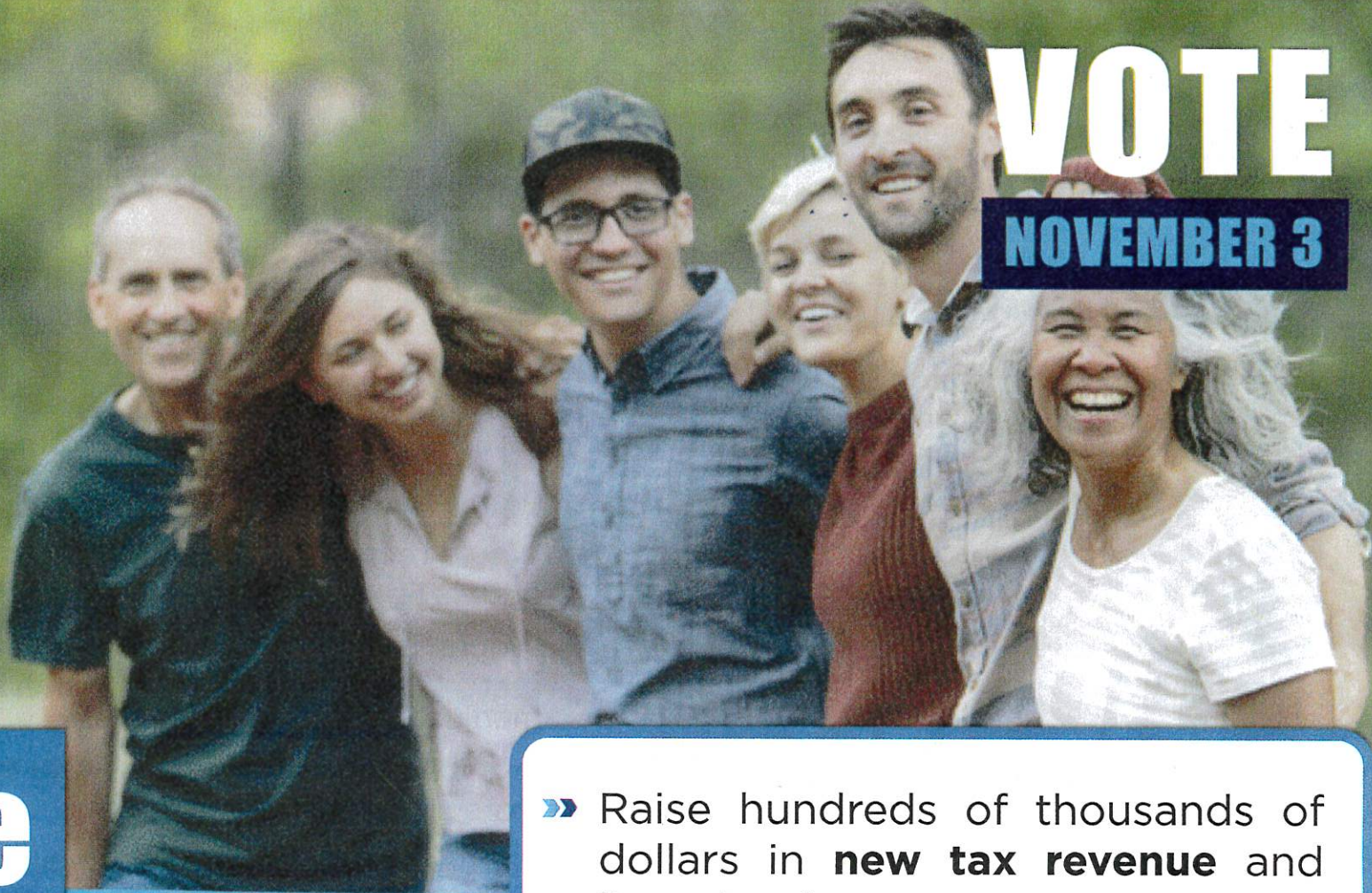
building
a

stronger

Future

VOTE

NOVEMBER 3



- » Raise hundreds of thousands of dollars in **new tax revenue** and licensing fees.
- » Redevelop blighted, abandoned, and vacant property in the Village of Pinckney.
- » Encourage businesses to hire Village of Pinckney residents and those negatively impacted from marijuana prohibition for the new jobs that are created.

 **Vote YES**

On Local Proposal 1

LOCAL PROPOSAL PETITION

To the Clerk of the Village of Pinckney: We, the undersigned qualified and registered electors, residents in the Village of Pinckney, in the County of Livingston, in the State of Michigan, pursuant to Sec. 6.1. of the Michigan Regulation and Taxation of Marihuana Act, respectively petition for initiation of an ordinance to provide for the number of Marihuana Establishments within the Village, including regulatory and application provisions incidental to a system of safe and legal access to marijuana within the municipality. We respectfully request that the Council of the Village of Pinckney adopt this proposed ordinance, and that if it be not so adopted, that it be submitted to a vote of the electors of the Village of Pinckney for the November 3, 2020 General Election.

INITIATED ORDINANCE NUMBER 2020-0001 MARIHUANA ESTABLISHMENTS ALLOWED WITHIN THE VILLAGE OF PINCKNEY

THE VILLAGE OF PINCKNEY ORDAINS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to authorize and regulate within the Village the business operations of persons licensed by the State to operate Marihuana Establishments consistent with the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., and to do all of the following: (1) provide adults twenty-one (21) years of age and older safe access to marihuana; (2) ensure the safety of adults twenty-one (21) years of age and older, and the general public; (3) provide for an application fee to apply for a Provisional License for a Marihuana Establishment and a fee for any local approvals granted to be renewed; (4) provide for a process to select Local Applicants to receive local approvals for Marihuana Establishments, and to provide for a process for those local approvals to be renewed, or potentially denied or revoked; (5) comply with the Michigan Regulation and Taxation of Marihuana Act in order to protect and enhance the public health, safety, and welfare; (6) address and repair the harm caused to communities disproportionately impacted by the prohibition of marihuana through the promotion of employment and business ownership opportunities within these communities; (7) to bring marihuana businesses into the Village that demonstrate commitment to advance the broader interest and goals of the community through high-impact local investment, and that provide employment opportunities to local residents and contractors; and (8) to provide for, if enacted by the Village Council, a Community Benefits Program in the Village to benefit Individuals Disproportionately Impacted by Marihuana Prohibition. Nothing contained within this Ordinance, or within any local approval issued by the Village, shall be Construed to relieve a person of the duties and obligations imposed under state laws and regulations. Notwithstanding the foregoing, it is not the intent of this Ordinance to diminish, abrogate or restrict protections for the medical use of marihuana provided in the Michigan Medical Marihuana Act. Nothing in this Ordinance is intended to grant individuals immunity from the enforcement of federal laws prohibiting marihuana activity. The provisions of this Ordinance are regulatory in nature and not intended to be interpreted as zoning laws. The provisions of this Ordinance are severable and self-executing. This Ordinance is hereby declared necessary to preserve the public peace, health, safety and welfare of the People of the Village.

SECTION 2. DEFINITIONS

- a) All definitions provided in the MRTMA are incorporated by reference into this Ordinance, and the term "marijuana" shall be synonymous with the term "marihuana." As used in this Ordinance, the following terms shall be defined as follows:
- b) "Agency" is defined as the Marijuana Regulatory Agency or any successor agency.
- c) "Application Date" is defined as the date on which the Local Applicant submits its application to the Village for a single License Type at a Business Facility Address or for a License renewal.
- d) "Business Facility Address" means the singular United States postal address, for a building structure located atop a Land Parcel, where a Marihuana Establishment is proposed to be located for a License Type listed in an application to the Village. The existing square footage of the building structure at the Business Facility Address shall solely be used for measuring the square footage of the Business Facility Address.

- e) "Business Facility Adjacent Address" means the singular United States postal address of a building structure which is physically adjoining or directly physically touching the building structure of a Business Facility Address. Physically adjoining Shall, for the purposes of this definition. mean the physical connection through walls, adjacent walls, or a common building structure, though this definition shall not include any common road, foundation, or surface that the building structure sits on.
- f) "Community Benefits Program" Shall refer to a program that the Village may establish for the purposes of assisting Individuals Disproportionately Impacted by Marihuana Prohibition in the creation of Worker-Owned Cooperatives within the Village, gaining employment in the marihuana industry within the Village and starting marihuana businesses within the Village. If created. this program shall be subject to the requirements of Section 13 of this Ordinance.
- g) "Village" shall refer to the Village of Pinckney.
- h) "Village Full License Authorization" shall be defined as the full local approval that the Village of Pinckney grants a Local Applicant to operate a Marihuana Establishment at a Business Facility Address when the Local Applicant has received a state operating license pursuant to the MRTMA. It shall not be considered a municipal license.
- i) "Clerk" means the Village Clerk of the Village of Pinckney.
- j) "Community Benefits Agreement" means a legally binding commitment from a Local Applicant. which shall also be binding on the Local Applicant' successors or assigns, that states that the Local Applicant will, contingent upon approval of a Provisional License and contingent upon the Local Applicant holding a Village Full License Authorization for a period of at least one year, and contingent upon the Village creating a Community Benefits Program. make an annual payment of ten thousand dollars (\$10,000) to the Community Benefits Program for as long as the Local Applicant, or its successors or assigns, holds ownership of the Village Full License Authorization.
- k) "Council" means the Village Council of the Village of Pinckney.
- l) "Designated Consumption Establishment" is defined as a busines licensed by the Agency to permit adults twenty-one (21) years of age and Older to consume marihuana products at a Business Facility Address.
- m) "Fully Qualified Provisional License Application" is defined as Provisional License application for which all of the following is true and has been documented in the Local Applicant's application to the Village: (1) The Local Applicant currently holds a state operating license pursuant to the MMFLA or the MRTMA, though Microbusiness License Type Local Applicants and Class Marihuana Grower License Type Local Applicants shall be exempt from this requirement; (2) The stakeholders of the Local Applicant possess at least 10 total years of combined business experience, though Microbusiness License Type Local Applicants and Class A Marihuana Grower License Type Local Applicants shall be exempt from this requirement; (3) The Local Applicant has an Occupancy Affidavit with an Occupancy Percentage of zero (0) percent; (4) The Local Applicant has answered yes and provided supporting documentation for every question in the Public Health Plan Checklist category of their application; (5) The Local Applicant has committed in their application to hire at least ten (10) percent of the employees from local residents of the Village; (6) The Local Applicant has committed in their application to hiring at least twenty-five (25) percent of the employees consisting of Individuals Disproportionately Impacted by Marihuana Prohibition; (7) The Local Applicant has signed a Community Benefits Agreement as defined in this Ordinance; (8) The Local Applicant has committed to hiring local contractors for work and improvements to its Business Facility Address; (9) The Local Applicant has completed over thirteen (13) of the items listed in Section 5 this Ordinance that may be included in a Provisional License application.

- n) "Individual Disproportionately Impacted by Marihuana Prohibition" is defined as an individual who meets at least one of the three criteria listed in the Marijuana Regulatory Agency's Social Equity Program, which includes: Individuals who have resided in a disproportionately impacted community, as defined by the Agency, for at least five (5) calendar years prior to the Application Date; individuals with a prior marihuana related conviction; and individuals with at least two (2) calendar years of caregiver experience under the State of Michigan's medical marihuana program.
- o) "Land Parcel" or "Parcel" shall be defined as a land parcel, with an associated tax identification number, allocated by the appropriate government body, whose official records are held by the Clerk, the Register of Deeds, or other appropriate governmental body, for the purposes of tracking the use of land within the Village.
- p) "Local Applicant" is defined as an individual, entity, person, or person who submits an application for a License Type to the Village.
- q) "License Type" is defined as a single category of a license a Loc; Applicant can apply for, such as a microbusiness license, a marihuana retailer license, a cultivation or grower license, or other license that a Local Applicant can apply for through the processes set forth in this Ordinance.
- r) "MMFLA" is defined as the Medical Marihuana Facilities Licensing Act 2016 PA 281, MCL 333.27101 et seq.
- s) "MMMA" is defined as the Michigan Medical Marihuana Act, 2008 IL MCL 333.26421 et seq.
- t) "MRTMA" is defined as the Michigan Regulation and Taxation c Marihuana Act. 2018 IL 1, MCL 333.27951 et seq.
- u) "____Percentage Occupancy" or "____Percentage Occupied," or "Occupancy Percentage," which may be used interchangeably in this Ordinance shall be defined as the occupancy percentage of a Business Facility Address for the calendar year immediately prior to the Application Date, or, if applicable, of the calendar year starting no earlier than six months prior to the Application Date if the requirements of Section 2(u)(4) are met, and shall consist of the percentage occupancy of any buildings, structures, or units contained within the Parcel upon which the Business Facility Address sits for the calendar year immediately prior to the Application Date. The Percentage Occupancy shall be calculated using the average square footage of any buildings, structures, or units contained within the Parcel upon which the Business Facility Address sits that is occupied during the calendar year immediately prior to the Application Date, utilizing a method determined by the Clerk. The method of determining Percentage Occupancy shall be subject to the following requirements of this Ordinance:
 - 1) Construction activity, renovation activity, or storage activity in the buildings, structures, or units of the Business Facility Address shall not be considered occupancy or counted as part of a Business Facility Address's Percentage Occupancy. However, storage units which are part of commercial storage businesses where rent is paid for the use of storage space shall be considered occupancy and shall count toward Percentage Occupancy.
 - 2) The determination of "Percentage Occupancy" or "Percentage Occupied" shall require an Occupancy Affidavit, and if possible, provide supporting documentation attesting to the occupancy of any buildings, structures, or units contained within the Parcel upon which the Business Facility Address sits for the calendar year immediately prior to the Application Date.
 - 3) For the purposes of issuing a Provisional License, the Village shall verify the Percentage Occupancy of the property through an Occupancy Affidavit and, if possible, other supporting documentation which may include, but not be limited to, lease documents, purchase agreements,

certificates of occupancy, utility bills, and Other documentation that can show the occupancy level over the time period.

- 4) Notwithstanding the requirements of this section, if a Local Applicant submits an Occupancy Affidavit that is dated no earlier than six (6) months prior to the Application Date attesting to the Occupancy Percentage of the Business Facility Address, and if the Local Applicant submits an additional notarized affidavit within ten (10) days of the Application Date attesting that there has been no change in the Percentage Occupancy since the date the Occupancy Affidavit was first signed. the Local Applicant will be deemed to meet the requirements of the "calendar year immediately prior to the Application Date" Percentage Occupancy definition.
- v) "Occupancy Affidavit" is defined as a sworn affidavit from the owner of a Land Parcel or the authorized representative designated by the owner of the Land Parcel for this purpose, attesting to the Occupancy Percentage of any buildings, structures, or units contained within the Land Parcel upon which the Business Facility Address sits for the calendar year immediately prior to the Application Date, subject to the requirements of Section 2 (u) of this Ordinance.
- w) "Provisional License" means a provisional local authorization issued by the Village for a Local Applicant to, contingent upon approval of a state operating license from the Agency, operate a Marihuana Establishment at a Business Facility Address, provided that the temporary local authorization shall become a Village Full License Authorization upon the Local Applicant receiving a state operating license pursuant to the MRTMA. A Local Applicant shall be prohibited from operating a Marihuana Establishment without a state license issued by the Agency.
- x) "Stakeholder" means the following for each type of Local Applicant:
 1. For an individual or sole proprietorship: the proprietor.
 2. For a partnership and limited liability partnership: all partners.
 3. For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of ten percent (10%) or less and who does not exercise control over or participate in the management of the partnership.
 4. For a limited liability company: all members and managers.
 5. For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and all stockholders, not including those holding a direct or indirect ownership interest of ten percent (10%) or less.
 6. For a publicly held corporation: all corporate officers or persons with equivalent titles, all directors and all stockholders, not including those holding a direct or indirect ownership interest of ten percent (10%) or less.
 7. For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the Articles of Incorporation or their bylaws.
- y) "Stand Alone Business Facility Address" is defined as a Business Facility Address that does not have a Business Facility Adjacent Address and where the proposed Business Facility Address is physically separated from areas where smoking or the use of cannabis is prohibited. not including the Business Facility Address in question. and where smoke or the smell of cannabis does not infiltrate into nonsmoking areas or buildings that are not part of the Business Facility Address. This shall be demonstrated by a site plan or preliminary sketch submitted by the Local Applicant in Section 5 (13).
- z) "Vacant Land Parcel" is defined as a Land Parcel that does not contain a structure that had previously received a certificate of occupancy from the Village or that could receive a certificate of occupancy from the Village.
- aa) "Worker-Owned Cooperative" is defined as a business that is organized or registered under Subchapter T or another applicable section of the Internal Revenue Code and for which all of the following is true: (1) There is democratic control of the business by the workers

or employees of the business themselves; and (2) The workers or employees of the business comprise over fifty (50) percent of the ownership of the business.

SECTION 3. ACTS PROHIBITED

- a) No person shall operate a Marihuana Establishment in the Village without first obtaining a relevant Village Full License Authorization pursuant to the MRTMA and in accordance with the provisions of this Ordinance. A separate Village Full License Authorization is required for each Marihuana Establishment.
- b) A licensed Marihuana Establishment in the Village shall not display any of the following on the exterior of a building, a public billboard, or any sign for the Marihuana Establishment:
 - 1. A green cross;
 - 2. Anything that resembles any part of a marihuana plant; or
 - 3. The words or phrases "marihuana," "marijuana," "cannabis," "dank," "pot," "kush," "weed," "THC," or "Mary Jane."

SECTION 4. AUTHORIZATION OF MARIHUANA ESTABLISHMENTS

- a) Except as provided herein and pursuant to the MRTMA, the Village shall authorize the following number of state licensed Marihuana Establishments to operate within its boundaries:
 - 1. Marihuana Safety Compliance Facility - one (1) license
 - 2. Marihuana Secure Transporter - one (1) license
 - 3. Marihuana Microbusiness - minimum of one (1) license
 - 4. Marihuana Retailer - minimum of two (2) licenses, maximum of two (2) licenses allowed
 - 5. Marihuana Processor - one (1) license
 - 6. Class A Marihuana Grower — minimum of one (1) license
 - 7. Class B Marihuana Grower — one (1) license
 - 8. Class C Marihuana Grower — one (1) license
 - 9. Designated Consumption Establishment - a minimum of one (1) license allowed
- b) The Village shall not enact any Unreasonably Impracticable restrictions on the commercial sale and/or serving of food and beverages at a Designated Consumption Establishment.
- c) There shall be no more than a total of two (2) unique Business Facility Addresses at which a Marihuana Retailer or a Designated Consumption Establishment may operate, provided that more than one of these License Types may be located at the same Business Facility Address, and that the co-location of a Marihuana Retailer and a Designated Consumption Establishment at a Business Facility Address shall not count towards more than one (1) of the total limit of two (2) unique Business Facility Addresses allowed to operate Within the Village for these License Types.
- d) Nothing in this Ordinance shall be read to prohibit any combination of a Marihuana Grower, a Marihuana Processor, a Designated Consumption Establishment, or a Marihuana Retailer from operating at a single location or from operating at the same location as a Marihuana Facility. Nothing in this Ordinance shall be read to prohibit a Designated Consumption Establishment from operating at the same Business Facility

Address as a Marihuana Retailer. Notwithstanding anything else in this Ordinance, a Marihuana Retailer may not be located at the same Business Facility Address as another Marihuana Retailer.

SECTION 5. PROVISIONAL LICENSE APPLICATIONS

The Clerk shall develop an application process to apply for Provisional Licenses and the Clerk shall establish and make available Provisional License application forms, which shall require a sworn oath from an authorized representative of the Local Applicant that all information contained within the application is true to the best of their knowledge and, in addition to this sworn oath, shall require no more than the following information:

(1) The full name, date of birth, physical address, email address, and telephone number of the Local Applicant in the case of an individual; or, in the case of an entity, all Stakeholders thereof.

(2) If the Local Applicant is an entity, the entity's articles of incorporation or organizational documents.

(3) If the Local Applicant is an entity, the entity's employer identification number.

(4) An affidavit that neither the Local Applicant nor any Stakeholder of the Local Applicant is in default to the Village.

(5) The Business Facility Address for which the Local Applicant is applying for a License Type.

(6) A "Commitment to Community" statement that demonstrates the Local Applicant's intent to advance the broader interest and goals of the community through local investment. This Commitment to Community statement shall outline the Local Applicant's intentions regarding the hiring of local residents and the employment of local contractors and local workers for improvements to its Business Facility Address, and its intentions for re-developing vacant, blighted, underutilized, and abandoned property through investments in its Business Facility Address. This section may include an Occupancy Affidavit.

(7) A location area map that identifies the relative location(s) of, and distance(s) from, the school(s) nearest to the Business Facility Address, including compliance with the MRTMA's requirement that the location of the Marihuana Establishment be at least one-thousand (1,000) feet away from a school unless the Village adopts an ordinance lowering this distance requirement.

(8) The License Type for which the Local Applicant is applying.

(9) Documentation of ownership, lease agreement, or Other legal arrangement permitting the Local Applicant to apply for a license or any and all municipal permits or approvals needed for the Business Facility Address pursuant to the terms of this Ordinance.

(10) If applicable, a Community Benefits Agreement as defined in Section 20) of this Ordinance.

(11) A social equity plan that details how the Local Applicant plans on furthering the social equity objectives of this Ordinance in terms of promoting business and employment opportunities for communities that have been disproportionately impacted by marihuana prohibition, and its commitment to hiring Individuals Disproportionately Impacted by Marihuana Prohibition. This social equity plan and the commitments that the Local Applicant makes shall be used for the purposes of scoring a Provisional License Application in Section 7 of this Ordinance and for any renewals or transfers as permitted by this Ordinance.

(12) Documentation of the Local Applicant's Stakeholders of being Individuals Disproportionately Impacted by Marihuana Prohibition. if applicable, along with their respective ownership percentages. To verify proof of residency in a disproportionately impacted community as defined by the Agency, W-2 forms, mortgages, deeds, property

tax documents, lease or rental agreements, insurance documents, voter registration, or Other valid documentation may be used. To verify a marihuana-related conviction, a copy of judgment of sentence Or Other official documentation is required. To verify two (2) Calendar years of Caregiver experience, the Local Applicant must give authorization for the Agency to release relevant information under the MMMA or provide the appropriate supporting documentation.

(13) A site plan or preliminary sketch of the proposed facility, detailing the location of basic security features, entrances and exits, dimensions, and proposed layout of the Business Facility Address. This may include the square footage of the Business Facility Address and the location of any shared walls, bathrooms, doors, air ventilation systems, or facilities with non-marihuana businesses and the location of any Business Facility Adjacent Addresses. The applicant may note if they are applying to be a vertically integrated facility by noting other License Types that they are applying for at the Business Facility Address.

(14) If applicable, documentation that the Local Applicant has received a state operating license pursuant to the MMFLA or MRTMA or that the Local Applicant has received MMFLA or MRTMA pre-qualification approval from the Agency.

(15) Documentation of the business Operating, managing, or ownership experience of each of the Stakeholders of the Local Applicant.

(16) The completion of a "Security Plan Checklist" that contains answers to the following questions along with supporting documentation: (i) Does the Local Applicant have a security plan to prevent minors from Obtaining access to marihuana at the Business Facility Address? If so, provide supporting documentation; (ii) Does the Local Applicant have a security plan designed to deter potential robbery and theft from the Business Facility Address? If so, provide supporting documentation; (iii) Does the Business Facility Address of the Local Applicant meet the definition of a Stand Alone Business Facility Address and if so, does its security plan include the installation of physical security barriers to create a three hundred and sixty (360) degree perimeter surrounding its Stand Alone Business Facility Address for the purpose of deterring theft and crime? If so, provide supporting documentation.

(17) The completion of a "Public Health Plan Checklist" that contains answers to the following questions along with supporting documentation: (i) Will the Local Applicant require that the employees at its Business Facility Address wear Personal Protective Equipment, including gloves, when handling marihuana and marihuana products? If so, provide supporting documentation; (ii) Does the Local Applicant have a public health plan to educate its customers about the potentially harmful side-effects of using marihuana in combination with other substances and to warn its customers about potential negative health effects of individuals with specific health conditions from using marihuana? If so, provide supporting documentation; (iii) Does the Business Facility Address of the Local Applicant contain an existing ventilation system that is not also utilized by a non-marihuana establishment or other non-marihuana business and where the ventilation system directs air from the Marihuana Establishment to the outside of the building through a filtration system sufficient to remove visible smoke if applicable, consistent with all applicable building codes and ordinances and adequate to eliminate odor at the boundary line of the Business Facility Address? If so, provide supporting documentation; (iv) Does the Business Facility Address of the Local Applicant qualify as a Stand-Alone Business Facility Address? If so, provide supporting documentation.

SECTION 6. APPLICATION FEE

- (a) The Village shall establish a nonrefundable Provisional License application fee to be paid upon filing any application for a Marihuana Establishment by a Local Applicant. The amount of the initial Provisional License application fee may be set by Council resolution, but Shall not exceed one hundred dollars (\$100), with a final application fee that does not exceed four thousand nine hundred dollars (\$4,900) to be paid to the Village upon approval of a state operating license issue by the Agency for the License Type at the Business Facility Address. If the Village fails to establish such a fee by the time that the initial application window opens, the fee amount shall default to the maximum amount of one hundred dollars (\$100) for the initial Provisional License application fee and four

thousand nine hundred dollars (\$4,900) for the final fee paid, which shall be paid upon issuance of a state operating license to the Local Applicant

SECTION 7. APPLICATION REVIEW

(a) The Clerk shall establish a process to receive, process, and review applications in order to determine that all applicable required content listed Section 5 of this Ordinance has been included and that the relevant application fee has been paid, but the process may not conflict With the provisions of the Ordinance. The Clerk may only refuse to process an application for failure to pay the initial application fee.

(b) Except as provided by law, all materials submitted to the Village as pa of an application shall be exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.

(c) The Clerk may set the opening of the initial application window of Marihuana Establishments no later than two weeks after the effective date of this Ordinance. But if the Clerk fails to set the initial application window within ten (10) days after the effective date of this Ordinance, the initial application window for Marihuana Establishments shall automatically open on the eleventh (11th) day after the effective date of this Ordinance. If the Clerk fails to make an application form available for Marihuana Establishments, Local Applicants may prepare and fill their own application which must include information for at least twelve (12) of the items listed in Section 5 of this Ordinance and be titled "Village of Pinckney Marihuana Establishment Business Application" and be filed with the Clerk. The initial application window for Marihuana Establishments shall close thirty (30) day after it opens. One (1) calendar year after Provisional Licenses for Marihuana Establishments have been awarded to Local Applicants who apply within the initial application window for Marihuana Establishments, the Clerk may set a subsequent application window.

(d) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to one hundred (100) points with the lowest possible total score being zero (0) points and the highest possible total score being one hundred (100) points. In the event of an evaluation scoring tie, which causes there to be two (2) or more Local Applicants who achieve equal scores, the scoring-tied Local Applicants will be entered into a random draw to determine their relative rankings under this scoring procedure.

(e) After the closing of the initial application window, the Clerk shall score and rank applications for Marihuana Establishments by using the following scoring criteria which can be verified by category for applications submitted during the initial application window for Marihuana Establishments. Marihuana Microbusiness and Class A Marihuana Grower License Type and Designated Consumption Establishment applications shall be scored using a separate scoring procedure, as set forth in the section specifically designed for scoring such License Types below.

(f) **MARIHUANA CLASS B GROWER, CLASS C GROWER, PROCESSOR, RETAILER, SAFETY COMPLIANCE FACILITY, AND SECURE TRANSPORTER ESTABLISHMENT LICENSE TYPE SCORING PROCEDURE:**

- 1) **LOCAL APPLICANT VETTING.** This category shall refer to the degree to which the Local Applicant has been found qualified for licensure by the Agency. A maximum of fifty (50) points shall be awarded for this category. If the Local Applicant possesses a State operating license pursuant to the MMFLA or the MRTMA, fifty (50) points shall be awarded for this category; or, if the Local Applicant possesses a state prequalification approval from the Agency pursuant to the MMFLA or the MRTMA, forty (40) points shall be awarded for this category. A Local Applicant can only earn points for either a state operating license or a state pre-qualification letter in this category.
- 2) **COMPLETENESS:** This category shall refer to the information which may be included in an application under the provisions of Section 5 of this Ordinance. The maximum number of scoring points in this category shall be ten (10) points. Points in this category shall only be determined based on the completeness of the application. Completeness shall be defined as the number of items in Section

5 of this Ordinance for which information has been submitted. If the application contains information for less than twelve (12) of the items listed in Section 5 of this Ordinance, zero (0) points shall be awarded for this category. If the application contains twelve (12) to thirteen (13) of the items listed in Section 5 of this Ordinance, seven (7) points shall be awarded for this category. If the application contains over thirteen (13) of the items listed in Section 5 of this Ordinance, ten (10) points shall be awarded for this category. Completeness in this category shall only refer to whether or not information for a Section 5 item has been provided, and is not an assessment of the subjective quality or sufficiency of said information.

- 3) **BUSINESS EXPERIENCE.** This category shall refer to the years of business operating experience of the Stakeholders of the Local Applicant in operating either marijuana or non-marijuana businesses. A maximum of ten (10) points shall be awarded for this category, and one (1) point shall be awarded for each total year of combined business operating experience by the Stakeholders of the Local Applicant as documented in Section 5(15) of this Ordinance.
- 4) **SECURITY AND PUBLIC HEALTH:** This category allocates points based on whether the Business Facility Address of a Local Applicant has features that will increase the security of the Marijuana Establishment and reduce any public health risks that may result from the Marijuana Establishment. A maximum of seven (7) points shall be awarded for this category. If the Local Applicant for the proposed Marijuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to at least two (2) of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, one (1) point shall be awarded for this category; or, if the Local Applicant for the proposed Marijuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to all of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, three (3) points shall be awarded for this category. If the Local Applicant for the proposed Marijuana Establishment has answered affirmatively and provided the appropriate supporting documentation to at least two (2) of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, two (2) additional points shall be awarded for this category; or, if the Local Applicant for the proposed Marijuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to all of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, four (4) additional points shall be awarded for this category.
- 5) **STRUCTURAL SUITABILITY:** This category allocates points based on whether the Business Facility Address is likely to be in compliance with the MRTMA, the time it will take for the Business Facility Address to come into compliance with the MRTMA, and the safety risk posed by building structures that are not well suited to Operate as Marijuana Establishments. A maximum of ten (10) points shall be awarded for this category. Application information in Section 5(13) shall be used for the purposes of allocating points in this category. If the application is for a Marijuana Retailer License Type and the Business Facility Address contains a minimum of One thousand (1,000) square feet, ten (10) points shall be awarded for this category. If the application is for a Marijuana Grower License Type and the Business Facility Address contains a minimum of two thousand five hundred (2,500) square feet, ten (10) points shall be awarded for this category.
- 6) **COMMITMENT TO COMMUNITY:** This category allocates points based on the Local Applicant's commitment to advance the broader interest and goals of the community through investment in the people of the community and in the community's tax base. This is demonstrated through the following criteria: Commitment to the hiring of local residents and hiring of local contractors for work and improvements to its Business Facility Address, and commitment to long-term investment in the community through the redevelopment of vacant, blighted, or abandoned property in the community. The maximum number of scoring points in this category shall be seven (7) points. Points in this category shall be awarded

as follows: If the Local Applicant, as part of the Commitment to Community category of its application, commits to hiring a minimum of ten (10) percent of its employees from local residents of the Village, one (1) point shall be awarded for this category. If the Local Applicant, as part of the Commitment to Community category of its application commits to hiring local contractors for work and improvements to its Business Facility Address, one (1) additional point shall be awarded for this category. Points for long-term community investment and re-development shall be awarded based on the Percentage Occupancy of the Business Facility Address. If the Business Facility Address has a Percentage Occupancy of zero percent, the Local Applicant shall be awarded five (5) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than zero (0) percent and less than or equal to twenty-five (25) percent, the Local Applicant shall be awarded three (3) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than twenty-five (25) percent and less than or equal to fifty (50) percent, the Local Applicant shall be awarded two (2) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than fifty (50) percent, the Local Applicant shall be awarded zero (0) additional points for this category. If the Business Facility Address consists of no commercially viable building structures or is a Vacant Land Parcel. the Local Applicant shall be awarded zero (0) additional points for this category.

- 7) SOCIAL EQUITY: This category allocates points based on whether the Local Applicant has made a commitment to hire Individuals Disproportionately Impacted by Marihuana Prohibition. A maximum of six (6) points shall be awarded for this category. If the Local Applicant commits to hire a minimum of twenty-five (25) percent of its workforce consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, three (3) points shall be awarded for this category; or, if the Local Applicant commits to hiring a minimum of ten (10) percent of its workforce consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, one (1) point shall be awarded for this category. If the Local Applicant includes a Community Benefits Agreement in their application that meets the requirements of Section 5(10) of this Ordinance, three (3) additional points shall be awarded for this category.

(g) MARIHUANA ESTABLISHMENT SCORING PROCEDURE FOR MICROBUSINESS AND CLASS A MARIHUANA GROWER:

- 1) COMPLETENESS: This category shall refer to the information that may be included in an application under the provisions of Section 5 of this Ordinance. The maximum number of scoring points in this category shall be twenty (20) points. Points in this category shall be determined based on the completeness of the application. Completeness shall be defined as the number of items in Section 5 of this Ordinance for which information has been submitted. If the application contains less than twelve (12) of the items listed in Section 5 of this Ordinance, no points shall be awarded for this category. If the application contains twelve (12) to thirteen (13) of the items listed in Section 5 of this Ordinance, fifteen (15) points shall be awarded for this category. If the application contains over thirteen (13) of the items listed in Section 5 of this Ordinance, twenty (20) points shall be awarded for this category. Completeness in this category shall only refer to whether or not information for a Section 5 item has been provided, and is not an assessment of the subjective quality or sufficiency of said information.
- 2) SECURITY AND PUBLIC HEALTH: This category allocates points based on whether the Business Facility Address of a Local Applicant has features that will increase the security of the Marihuana Establishment and reduce any public health risks that may result from the Marihuana Establishment. A maximum of twenty (20) points shall be awarded for this category. If the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to at least two of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, five (5) points shall be awarded for this category; or, if the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate

supporting documentation to all of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, ten (10) points shall be awarded for this category. If the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to at least two (2) of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, five (5) additional points shall be awarded for this category; or, if the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to all of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, ten (10) additional points shall be awarded for this category.

- 3) **COMMITMENT TO COMMUNITY:** This category allocates points based on the Local Applicant's commitment to advance the broader interest and goals of the community through investment in the people of the community and in the community's tax base. This is demonstrated through the following: Commitment to the hiring of local residents and hiring of local contractors for work and improvements to its Business Facility Address, and commitment to long-term investment in the community through the redevelopment of vacant, blighted, or abandoned property in the community. The maximum number of scoring points in this category shall be twenty (20) points. Points in this category shall only be awarded as follows: If the Local Applicant, as part of their Commitment to Community category of its application, commits to hiring of at least ten (10) percent of its employees from local residents of the Village, two (2) points shall be awarded for this category. If the Local Applicant, as part of the Commitment to Community category of its application commits to hiring local contractors for work and improvements to its Business Facility Address, three (3) additional point shall be awarded for this category. Points for long-term community investment and redevelopment shall be awarded based on the Percentage Occupancy of the Business Facility Address. If the Business Facility Address has a Percentage Occupancy of zero (0) percent, the Local Applicant shall be awarded fifteen (15) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than zero (0) percent and less than or equal to twenty-five (25) percent, the Local Applicant shall be awarded ten (10) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than twenty-five (25) percent and less than or equal to fifty (50) percent, the Local Applicant shall be awarded five (5) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than fifty (50) percent, the Local Applicant shall be awarded zero (0) additional points for this category. If the Business Facility Address consists of no commercially viable building structures or is a Vacant Land Parcel, the Local Applicant shall be awarded zero (0) additional points for this category.
- 4) **STRUCTURAL SUITABILITY:** This category allocates point based on whether the Business Facility Address is likely to be in compliance with the MRTMA, the time it will take for the Business Facility Address to come into compliance with the MRTMA, and safety risk posed by building structures that are not well suited to operate as Marihuana Establishments. A maximum of ten (10) points shall be awarded for this Category. Application information in Section 5(13) shall be used for the purposes of allocating points in this category. If the application is for a Marihuana Microbusiness and the Business Facility Address contains a minimum of five thousand (5,000) square feet, ten (10) points shall be awarded for this category. If the application is for a Class A Marihuana Grower License Type and the Business Facility Address contains a minimum of two thousand five hundred (2,500) square feet, ten (10) points shall be awarded for this category.
- 5) **SOCIAL EQUITY:** This category allocates points based on whether the Local Applicant has made a commitment to hire Individual: Disproportionately Impacted by Marihuana Prohibition. A maximum of ten (10) points shall be awarded for this category. If the Local Applicant commits to hire a minimum of twenty-five (25) percent of its workforce consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, five (5) points shall be awarded for this category; or, if the Local Applicant commits to hiring a minimum of ten (10) percent of its workforce

consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, two (2) points shall be awarded for this category. If the Local Applicant includes a Community Benefits Agreement in their application that meets the requirements of Section 5 (10) of this Ordinance, five (5) additional points shall be awarded for this category.

- 6) SOCIAL EQUITY BACKGROUND: This category allocates points based on whether the Stakeholders of the Local Applicant consist of Individuals Disproportionately Impacted by Marihuana Prohibition. A maximum of twenty (20) points shall be awarded for this category. If at least One (1) Stakeholder with at least a twenty-five (25) percent ownership of the Local Applicant entity has resided in a disproportionately impacted community, as defined by the Agency, for at least five (5) calendar years prior to the Application Date, three (3) points shall be awarded for this category. If at least one (1) Stakeholder with at least a twenty-five (25) percent ownership of the Local Applicant entity consists of an individual with a prior marihuana related conviction, three (3) additional points shall be awarded for this category. If at least one Stakeholder with at least a twenty-five (25) percent ownership of the Local Applicant entity consists of an individual with at least two (2) calendar years of caregiver experience under the State of Michigan's medical marihuana program, three (3) additional points shall be awarded for this category. If over fifty (50) percent of the Local Applicant entity is owned by Stakeholder(s) who are Individuals Disproportionately Impacted by Marihuana Prohibition as defined by this Ordinance, three (3) additional points shall be awarded for this category. If the Local Applicant meets the definition of a Worker-Owned Cooperative as defined by this Ordinance, eight (8) additional points shall be awarded for this category.

(h) MARIHUANA ESTABLISHMENT SCORING PROCEDURE FOR DESIGNATED CONSUMPTION ESTABLISHMENTS:

- 1) LOCAL APPLICANT VETTING. This category shall refer to the degree to which the Local Applicant has been found qualified for licensure by the Agency. A maximum of fifty (50) points shall be awarded for this category. If the Local Applicant possesses a State operating license pursuant to the MMFLA or the MRTMA, fifty (50) points shall be awarded for this category; or, if the Local Applicant possesses a state prequalification approval from the Agency pursuant to the MMFLA or the MRTMA, forty (40) points shall be awarded for this category. A Local Applicant can only earn points for either a state operating license or a state prequalification letter in this category.
- 2) COMPLETENESS: This category shall refer to the information which may be included in an application under the provisions of Section 5 of this Ordinance. The maximum number of scoring points in this category shall be ten (10) points. Points in this category shall only be determined based on the completeness of the application. Completeness shall be defined as the number of items in Section 5 of this Ordinance for which information has been submitted. If the application contains less than twelve (12) of the items listed in Section 5 of this Ordinance, zero (0) points shall be awarded for this category. If the application contains twelve (12) to thirteen (13) of the items listed in Section 5 of this Ordinance, seven (7) points shall be awarded for this category. If the application contains over thirteen (13) of the items listed in Section 5 of this Ordinance, ten (10) points shall be awarded for this category. Completeness in this category shall only refer to whether or not information for a Section 5 item has been provided, and is not an assessment of the subjective quality or sufficiency of said information.
- 3) BUSINESS EXPERIENCE. This category shall refer to the years of business operating experience of the Stakeholders of the Local Applicant in operating either marihuana or non-marihuana businesses. A maximum of ten (10) points shall be awarded for this category, and one (1) point shall be awarded for each total year of combined business operating experience by the Stakeholders of the Local Applicant as documented in Section 5(15) of this Ordinance.

- 4) SECURITY AND PUBLIC HEALTH: This category allocates points based on whether the Business Facility Address of a Local Applicant has features that will increase the security of the Marihuana Establishment and reduce any public health risks that may result from the Marihuana Establishment. A maximum of seven (7) points shall be awarded for this category. If the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to at least two (2) of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, one (1) point shall be awarded for this category; or, if the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to all of the Security Plan Checklist questions listed in Section 5(16) of this Ordinance, three (3) points shall be awarded for this category. If the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and provided the appropriate supporting documentation to at least two (2) of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, two (2) additional points shall be awarded for this category; or, if the Local Applicant for the proposed Marihuana Establishment has answered affirmatively and has provided the appropriate supporting documentation to all of the Public Health Plan Checklist questions listed in Section 5(17) of this Ordinance, four (4) additional points shall be awarded for this category.
- 5) STRUCTURAL SUITABILITY: This category allocates points based on whether the Business Facility Address is likely to be in compliance with the MRTMA and the time it will take for the Business Facility Address to come into compliance with the MRTMA. A maximum of ten (10) points shall be awarded for this category. Application information in Section 5(13) shall be used for the purposes of allocating points in this category. If the Business Facility Address contains a commercial kitchen, five (5) points shall be awarded for this category. If the Business Facility Address contains a minimum of five thousand (5,000) square feet, five (5) additional points shall be awarded for this category.
- 6) COMMITMENT TO COMMUNITY: This category allocates points based on the Local Applicant's commitment to advance the broader interest and goals of the community through investment in the people of the community and in the community's tax base. This is demonstrated through the following criteria: Commitment to the hiring of local residents and hiring of local contractors for work and improvements to its Business Facility Address, and commitment to long-term investment in the community through the redevelopment of vacant, blighted, or abandoned property in the community. The maximum number of scoring points in this category shall be seven (7) points. Points in this category shall be awarded as follows: If the Local Applicant, as part of the Commitment to Community category in its application, commits to hiring a minimum of ten (10) percent of its employees from local residents of the Village, one (1) point shall be awarded for this category. If the Local Applicant, as part the Commitment to Community category of its application commits to hiring local contractors for work and improvements to its Business Facility Address, one (1) additional point shall be awarded for this category. Points for long-term community investment and re-development shall be awarded based on the Percentage Occupancy of the Business Facility Address. If the Business Facility Address has a Percentage Occupancy of zero percent, the Local Applicant Shall be awarded five (5) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than zero (0) percent and less than or equal to twenty-five (25) percent, the Local Applicant shall be awarded three (3) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than twenty-five (25) percent and less than or equal to fifty (50) percent, the Local Applicant shall be awarded two (2) additional points for this category. If the Business Facility Address has a Percentage Occupancy greater than fifty (50) percent, the Local Applicant shall be awarded zero (0) additional points for this category. If the Business Facility Address consists of no commercially Viable building structures or is a Vacant

Land Parcel. the Local Applicant shall be awarded zero (0) additional points for this category.

- 7) SOCIAL EQUITY: This category allocates points based on whether the Local Applicant has made a commitment to hire Individuals Disproportionately Impacted by Marihuana Prohibition. A maximum of six (6) points shall be awarded for this category. If the Local Applicant commits to hire a minimum of twenty-five (25) percent of its workforce consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, three (3) points shall be awarded for this category; or, if the Local Applicant commits to hiring a minimum of ten (10) percent of its workforce consisting of Individuals Disproportionately Impacted by Marihuana Prohibition, one (1) point shall be awarded for this category. If the Local Applicant includes a Community Benefits Agreement in their application that meets the requirements of Section 5(10) of this Ordinance, three (3) additional points shall be awarded for this category.
- (i) At the closing of the first thirty (30) day initial application window, the Clerk shall process and score applications for Marihuana Establishment License Types, starting with Marihuana Designated Consumption Establishments, which shall be awarded Provisional Licenses for Marihuana Establishments first, then Marihuana Retailers, which shall be awarded Provisional Licenses for Marihuana Establishments second, then Marihuana Microbusinesses, which shall be awarded Provisional Licenses for Marihuana Establishments third, and the remainder of the available Marihuana Establishment License Types shall be awarded in order of the highest scoring Local Applicant.
 - (j) If, at any time after Provisional Licenses for Designated Consumption Establishments have been awarded. pursuant to the limitations of Section 4(c) of this Ordinance, there are no Business Facility Address locations available for a Marihuana Retailer for a Business Facility Address that does not already have and will not receive a Provisional License or a Village Full License Authorization for a Designated Consumption Establishment at the Business Facility Address, the Clerk shall award Provisional Licenses for Marihuana Retailers only for those Business Facility Addresses that already have received or will receive Provisional Licenses or Village Full License Authorizations for Designated Consumption Establishments in order of the highest scoring Local Applicant.
 - (k) If the Clerk fails to award three (3) Provisional Licenses for Marihuana Retailers, Marihuana Microbusinesses, and/or Designated Consumption Establishments within thirty (30) days after the closure of the initial application window, all Fully Qualified Provisional License Applications shall be deemed to have local approval under this Ordinance to operate a Marihuana Establishment contingent upon approval of a State Marihuana Establishment license by the Agency. Notwithstanding anything else contained in this Ordinance, under this circumstance, the Village shall not nor shall any of its representatives notify the Agency that a proposed Marihuana Establishment is not or was not in compliance with an ordinance consistent with the MRTMA and in effect at the time of the Local Applicant's application to the Agency, and any Marihuana Establishment at a Business Facility Address for a Fully Qualified Provisional License Application shall be authorized to operate in the Village in accordance with state law without any Village Marihuana Establishment permit, license, Provisional License, or Village Full License Authorization as long as they operate pursuant to the rules and regulations promulgated by the Agency. If the requirements for one or more Fully Qualified Provisional License Applications to automatically receive local approval to operate pursuant to a state operating license have been met, this number of Fully Qualified Provisional License Applications shall control the number of Marihuana Establishments allowed if the number is greater than the number set in Section 4 of this Ordinance.
 - (l) If a Local Applicant is granted a Provisional License for a Fully Qualified Provisional License Application through a writ of mandamus to the Village or by compelling the Village to act through a court order because the Village has failed to award three (3) Provisional Licenses for Marihuana Retailers, Microbusinesses, and/or Designated Consumption Establishments within thirty (30) days after the closure of the initial application window, such a Local Applicant shall not be required to pay more than a maximum annual amount of five-

hundred dollars (\$500) for the next ten (10) calendar years for its Village Full License Authorization annual renewal fee.

- (m) A Provisional License may be used to satisfy the licensing requirements for a Local Applicant going through the Agency's licensing process for a Marihuana Establishment. A Provisional License shall automatically become a Village Full License Authorization when the Agency issues a license to the Marihuana Establishment at the Business Facility Address.

SECTION 8. LICENSE REQUIREMENTS

- (a) A Village Full License Authorization under this Ordinance shall be subject to the following conditions:
- (1) Compliance with the requirements of this Ordinance
 - (2) Compliance with the provisions of the MRTMA and any rules promulgated thereunder;
 - (3) Marihuana Establishments shall only operate between the hours of 9:00 AM and 9:00 PM daily. Notwithstanding this requirement, grower or cultivation licensees may operate 24 hours per day, Marihuana Microbusinesses may operate from 7:00 AM until 12:00 AM, Designated Consumption Establishments may operate from 9:00 AM until 2:00 AM, and a Marihuana Retailer that is co-located with a Designated Consumption Establishment may operate from 9:00 AM until 12:00 AM.

SECTION 9. LICENSES GENERALLY

- (a) A Village Full License Authorization that is issued under this Ordinance shall be posted at all times inside the Marihuana Establishment in a conspicuous location near the entrance.
- (b) Except as provided in this Ordinance, the term of a Village Full License Authorization shall be for one (1) calendar year subject to renewal by the Clerk upon continued compliance with this Ordinance.
- (c) Licensees or Provisional License holders may transfer a Village Full License Authorization or Provisional License issued under this Ordinance to a location at a different Business Facility Address upon receiving written approval from the Clerk and pursuant to any applicable requirements under the MRTMA, and relevant rules promulgated by the Agency. In order to request Village approval to transfer a Village Full License Authorization or Provisional License to a new Business Facility Address, the licensee or Provisional License holder must make a written request to the Clerk, indicating the current location of the Marihuana Establishment and the proposed new Business Facility Address. Notwithstanding this section, a Microbusiness license may not be transferred to any other Business Facility Address within the Village.
- (d) Licensees or Provisional License holders may transfer a Village Full License Authorization or Provisional License issued under this Ordinance to a different individual or entity, and the licensee or Provisional License holder shall notify the Clerk of the transfer. The transfer must comply with the MRTMA, and any applicable rules promulgated thereunder, and shall not require approval by the Agency. The Village shall be prohibited from interfering with a Village Full License Authorization or Provisional License transfer provided that the new Local Applicant or individual owner must notify the Village of the transfer by filing an Application with the Clerk upon a form provided by the Village or, if such a form is unavailable, shall complete the information required in Section 5 of this Ordinance or the transferred Marihuana Establishment Provisional License and file such information with the Clerk. The Clerk shall grant the new licensee or Provisional License holder or Village Full License Authorization holder/owner the same rights as the previous licensee or Village Full License Authorization owner or Provisional License owner. The Local Applicant that receives the transfer of the Provisional License or Village Full License Authorization or license shall remain legally bound by any commitments made in the original application to the Village that governed the original issuance of the Provisional License or Village Full License Authorization it is receiving by transfer, including commitments made in the Commitment to Community and social equity categories of the original application.

(e) Notwithstanding the requirements of Section 9(a), (b), (c), or (d), neither a Marihuana Microbusiness Provisional License nor a Marihuana Microbusiness Village Full License Authorization may be transferred to anyone with an ownership percentage by Individuals Disproportionately Impacted by Marihuana Prohibition that is less than the ownership percentage of the Local Applicant who was originally awarded the Provisional License or Village Full License Authorization to be transferred. Furthermore, notwithstanding the requirements of Section 9(a), (b), (c), or (d), no Provisional License or license or Village Full License Authorization may be transferred to a Local Applicant that does not have a "Commitment to Community" application category score of equal or greater to the Local Applicant that is transferring the Provisional License or license or Village Full License Authorization, and no Provisional License or tillage Full License Authorization or license may be transferred to a Local Applicant that does not have a Social Equity application category score of equal or greater than the license holder that is transferring the Provisional License or license or Village Full License Authorization.

(f) Notwithstanding the requirements of this Ordinance, the provisions of this Ordinance dependent upon Occupancy Percentage shall not apply to any renewal applications or to any transfer applications for a license or Provisional License or Village Full License Authorization.

SECTION 10. RENEWALS

(a) Provisional Licenses shall be valid for one (1) calendar year from the date they are issued

(b) Application for a Village Full License Authorization renewal shall be made in writing to the Clerk at least ninety (90) days prior to the expiration of an existing license. Licenses shall be renewed annually. A Provisional License may automatically be renewed for one (1) Calendar year by a Local Applicant upon paying a five thousand dollar (\$5,000) annual renewal fee provided that it adheres to the requirements in Section 12 of this Ordinance. Notwithstanding the requirements of Section 6 of this Ordinance, there is an exception to the five thousand dollar (\$5,000) annual renewal fee for any Local Applicant that is granted a Provisional License for a Fully Qualified Provisional License Application by order of a court because the Village has failed to award three (3) Provisional Licenses for Marihuana Retailers, Marihuana Microbusinesses, and/or Designated Consumption Establishments within thirty (30) days after the closure of the initial application window, or for a Local Applicant that is granted the ability to operate by right by a Court order because the Village fails to award three (3) Provisional Licenses for Marihuana Retailers, Marihuana Microbusinesses, and/or Designated Consumption Establishments within thirty (30) days after the closure of the initial application window. Such a Local Applicant shall not be required to pay an annual licensing or Village Full License Authorization renewal fee exceeding the total annual amount of five-hundred dollars (\$500) for the next ten (10) calendar years of the Village Full License Authorization annual renewal for any License Type at any approved Business Facility Address within the Village.

(c) An application for a Provisional License renewal or a Village Full License Authorization renewal required by this Ordinance shall be made under oath on forms provided by the Clerk. This renewal form shall be developed by and made available by the Clerk.

(d) An application for a Provisional License renewal or a Village Full License Authorization renewal shall be accompanied by a renewal fee, which shall be set by resolution of the Village Council, but shall not exceed five thousand dollars (\$5,000).

(e) A renewal shall be deemed approved if the Village has not issued a formal notice of denial within sixty (60) days of the renewal date.

(f) After a Microbusiness License holder has been operating for six (6) months at a Business Facility Address, one or more different Local Applicant(s) may request and shall be approved by the Village for an additional Microbusiness Provisional License(s) at a different Business Facility Address on the same land parcel as the original Business Facility Address which has been operating for at least six (6) months. This provision shall control the number of Marihuana Microbusiness Establishments authorized in Section 4 of this Ordinance.

SECTION 11. LICENSE REVOCATION OR SUSPENSION.

Each Marihuana Establishment within the Village for which a Village Full License Authorization is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations in the Village and State. Upon any material violation of this Ordinance that a Local Applicant has failed to remedy after being provided with sufficient time to make the correction, the Clerk may, after a notice and hearing, revoke or suspend such license as hereinafter provided.

SECTION 12. CRITERIA FOR NONRENEWAL, SUSPENSION, OR REVOCATION OF LICENSE

In addition to any other reasons set forth in this Ordinance, the Village may refuse to issue a license or grant renewal of the license or suspend or revoke the license for any of the following reasons:

(a) A material violation of any provision of this Ordinance that a license holder has failed to remedy after being provided with sufficient time to make the correction. Failure to meet the requirements of Section 12 (c) of this Ordinance shall be considered a material violation of this Ordinance.

(b) The inability of the licensee or Provisional License holder to obtain or maintain a license from the Agency pursuant to the MRTMA within two (2) calendar years after the issuance of a Provisional License, subject to reasonable extensions for cause by the Clerk.

(c) Failure of the licensee to demonstrate to the Village that it has complied with a Community Benefits Agreement it has committed to and the social equity plan provided in its application, including any commitments it may have made to hire Individuals Disproportionately Impacted by Marihuana Prohibition in Order to receive its Provisional License or local approvals. The Clerk shall notify a Local Applicant or licensee of the reasons for denial or suspension or nonrenewal of an application for a License Type or of a Village Full License Authorization renewal or for revocation of a license or any adverse decision under this Ordinance and provide the Local Applicant or licensee with the opportunity to be heard. Any Local Applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this Ordinance may appeal to the Clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Clerk. Such an appeal shall be taken by filing with the Clerk, within fourteen (14) days after notice of the violation has been mailed to the Local Applicant or licensee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Clerk's decision may be further appealed to the Village Council if applied for in writing to the Council no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial or revocation or adverse action shall be by the Council pursuant to the requirements of this Ordinance. Any decision by the Council on an appeal shall be subject to all remedies available to the Local Applicant under the laws of the State of Michigan.

SECTION 13. COMMUNITY BENEFITS PROGRAM

The Village may establish a Community Benefits Program for the purpose of economic development within the Village and to assist Individuals Disproportionately Impacted by Marihuana Prohibition in the creation of Worker-Owned Cooperatives, gaining employment in the marihuana industry within the Village, and starting licensed marihuana businesses in the Village, though not every one of these goals need be accomplished simultaneously through the actions of the Community Benefits Program. This program, if established by the Village, shall be subject to rules developed by the Village and shall be subject to the following requirements:

(a) All funds contributed pursuant to Community Benefits Agreements from Marihuana Establishments in the Village shall go to a registered 501(c)3 nonprofit organization designated by the Village, which shall work to effectuate the goals of the program on behalf of the Village and provide an annual report to the Village on its activities.

(b) The Village shall develop an application process for selecting a 501(c)3 nonprofit organization to manage the Community Benefits Program. Criteria for the 501(c)3 nonprofit organization shall include, but shall not be limited to, organizations that have at least five (5) years of experience working to develop Worker-Owned Cooperatives, and the nonprofit shall have at least one member of its staff or its board of directors with at

least two years of experience working with the licensed cannabis industry in Michigan, which may include legal or other municipal governance experience with the licensed cannabis industry in Michigan.

- (c) The nonprofit selected by the Village shall not be a religious organization, and shall not have members of its board of directors or staff who are relatives or family members of Village employees or staff or anyone receiving compensation in any capacity from the Village. The nonprofit selected by the Village shall not have any members of its board of directors hold officer positions within the Village or seats on the Village Council. NO employee, member of the Village Council, or family member or relative of any Village employee or member of the Village Council shall receive any direct or indirect payment from the nonprofit. Nonprofits applying to be considered to manage the Community Benefits Program shall disclose all members of their board of directors and staff and the Village shall confirm that the nonprofit is in compliance with these requirements,
- (d) The nonprofit selected by the Village shall use funds contributed pursuant to Community Benefits Agreements in the Village to assist Individuals Disproportionately Impacted by Marihuana Prohibition in starting Worker-Owned Cooperatives within the Village, gaining employment in the marihuana industry within the Village, and/or to start marihuana businesses within the Village.
- (e) No more than twenty (20) percent of funds the nonprofit receives from Community Benefits Agreements in the Village may be used for administrative purposes by the nonprofit. The remaining funds shall be allocated through grant-making in order to achieve the goals of the Community Benefits Program.
- (f) The Village may set up additional procedures, rules, or regulations that it deems necessary to implement the Community Benefits Program.

SECTION 14. PENALTY

(a) A person or entity who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction punishable by a civil fine of no more than five hundred (\$500.00) dollars.

(b) Any ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed so as to give this ordinance full force and effect, and any other provisions of ordinances or Village regulations or Village Resolutions that conflict with this Ordinance are inapplicable to conduct authorized under this Ordinance.

(c) This Ordinance shall become effective immediately upon voter enactment.

SECTION 15. SEVERABILITY AND EXECUTION

The various parts, sections and clauses of this Ordinance are hereby declared to be severable and self-executing. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid as to any person or circumstance by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this Ordinance. Ordinances may be enacted to facilitate operation of this Ordinance. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this Ordinance. In cases where there is a conflict between the MMFLA and the MRTMA, the MRTMA shall control.

INITIATION OF LEGISLATION

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 6, 2018.

The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

Sec. 3. As used in this act:

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "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.
- (d) "Licensee" means a person holding a state license.
- (e) "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 marihuana to prepare topical or oral administrations, food, drink, or other products.
- (f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.
- (h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (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 processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.
- (q) "Municipality" means a city, village, or township.
- (r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (s) "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.
- (t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.
- (u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Sec. 4. 1. This act does not authorize:

- (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;
 - (b) transfer of marihuana or marihuana accessories to a person under the age of 21;
 - (c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
 - (d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
 - (e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
 - (f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
 - (g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
 - (h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
 - (i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.
3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.
5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

- (a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;
- (b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;
- (c) assisting another person who is 21 years of age or older in any of the acts described in this section; and
- (d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

- (a) establish reasonable restrictions on public signs related to marihuana establishments;
- (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
- (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
- (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

- (a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;
- (b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;
- (c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;
- (d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;
- (e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and
- (f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

- (a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;
- (b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;
- (c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-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;
- (d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;
- (e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;
- (f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;
- (g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;
- (h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;
- (i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;
- (j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and
- (k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.

2. In furtherance of the intent of this act, the department may promulgate rules to:

- (a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or
- (b) regulate the cultivation, processing, distribution, and sale of industrial hemp.

3. The department may not promulgate a rule that:

- (a) establishes a limit on the number of any type of state licenses that may be granted;
- (b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

- (c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or
- (d) is unreasonably impracticable.

- Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.
2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.
3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:
- (a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;
 - (b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;
 - (c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;
 - (d) no person who holds an ownership interest in the marihuana establishment applicant:
 - (1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;
 - (2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and
 - (3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.
4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.
5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.
6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.
7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

- Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:
- (a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
 - (b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
 - (c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
 - (d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
 - (e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or
 - (f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.
 - (g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;
 - (h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;
 - (i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or
 - (j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.
2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.
3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.

- Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- (b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.
- (c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.
- (d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.
- (e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.
- (f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.
- (g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.
- (h) A marihuana secure transporter may not hold title to marihuana.

- (i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.
- (j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.
- (k) No marihuana establishment may sell or otherwise transfer tobacco.

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.

- 2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.
- 3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

- 2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.
- 3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:
 - (a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;
 - (b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;
 - (c) 35% to the school aid fund to be used for K-12 education; and
 - (d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

- 1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
- 2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:
 - (a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
 - (b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
 - (c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
- 3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
 - (a) for a first violation, is responsible for a civil infraction and may be punished as follows:
 - (1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
 - (2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
 - (b) for a second violation, is responsible for a civil infraction and may be punished as follows:
 - (1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
 - (2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
- 4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

- 2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.
- 3. If a municipality issues a municipal license pursuant to this section:
 - (a) the municipality shall notify the department that the municipal license has been issued;
 - (b) the municipal license has the same force and effect as a state license; and
 - (c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

Village of Pinckney Proposal**Livingston County, Michigan****Official Results**

General Election

General Election, Tuesday, November 3, 2020

Registered Voters

1426 of 1816 = 78.52%

Precincts Reporting

80 of 80 = 100.00%

Run Time 4:45 PM

11/3/2020

Run Date 11/13/2020

Page 1

Village of Pinckney Proposal

Choice	Party	Absentee Voting		Election Day Voting		Total	
Yes		462	53.04%	281	56.43%	743	54.27%
No		409	46.96%	217	43.57%	626	45.73%
	Cast Votes:	871	100.00%	498	100.00%	1,369	100.00%
	Undervotes:	32		25		57	
	Overvotes:	0		0		0	

*** End of report ***

TO: City of Brighton City Council
FROM: Colleen Barton, City of Brighton Assessor
DATE: September 9, 2021
SUBJECT: Marijuana related businesses and property taxes

To assist you in your discussion of marijuana related business I have put together the following in regards to how these type of businesses and/or buildings can/may be assessed.

Cultivation & Growing Facilities:

Real Property: These businesses are usually in commercial/industrial buildings, with 6,000 square feet or larger and at minimum of 400 amps of electric service. The assessment/taxable value will be created using the State Tax Commission's (STC) Assessors Manual using the Occupancy Calculator for warehouses and will be considered commercial real property and taxed as such

Personal Property: These businesses will be subject to commercial personal property tax and are eligible to qualify for the small business exemption if the total personal property is valued at or below \$80,000. They will **not** be considered Industrial/ Manufacturing and therefore will not qualify for the Eligible Manufacturing Personal Property Tax (EMPP) exemption.

Processing or Transporting Facilities:

Real Property: These businesses are usually in commercial/industrial buildings. The assessment/taxable value will be created using the STC Assessors Manual using the Occupancy Calculator for either warehouses or laboratories and will be considered commercial real property and taxed as such.

Personal Property: These businesses will be subject to commercial personal property tax and are eligible to qualify for the small business exemption if the total personal property is valued at or below \$80,000. They will **not** be considered Industrial / Manufacturing and therefore will not qualify for the EMPP exemption.

Dispensary Facilities:

Real Property: These businesses are usually in commercial buildings. The assessment/taxable value will be created by using the STC Assessors Manual using one of the following Occupancy

Calculators: store/retail, drug store, or office/retail and will be considered commercial real property and taxed as such.

Personal Property: These businesses will be subject to commercial personal property tax and are eligible to qualify for the small business exemption if the total personal property is valued at or below \$80,000. They will **not** be considered Industrial/Manufacturing and therefore will not qualify for the EMPP exemption.

Laboratory Facilities:

Real Property: These businesses are usually in commercial/industrial buildings. The assessment/taxable value will be created by using the STC Assessors Manual using one of the following Occupancy Calculators: warehouse, laboratory, store/retail, drug store, or office/retail and will be considered commercial real property and taxed as such.

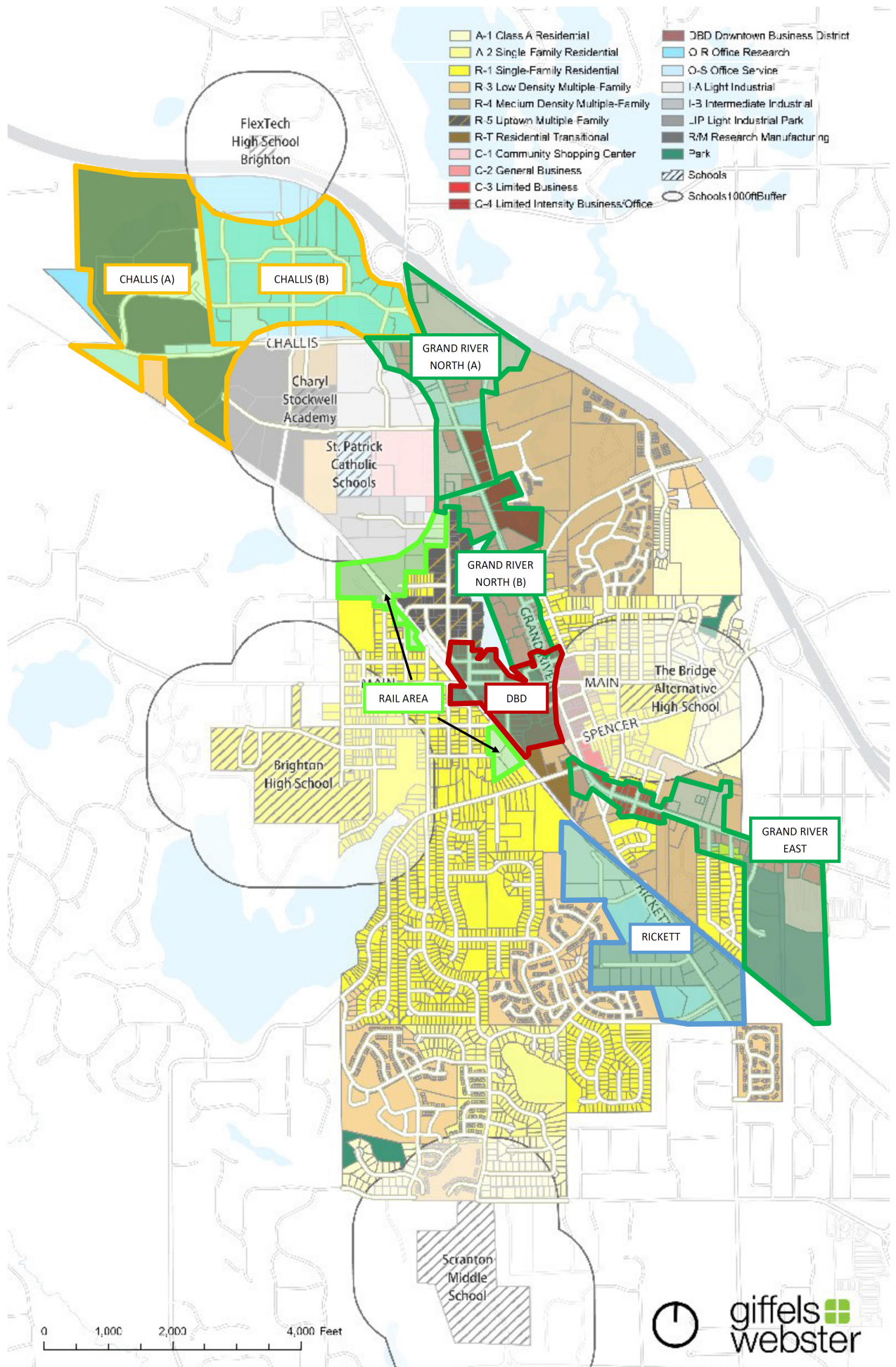
Personal Property: These businesses will be subject to commercial personal property tax and are eligible to qualify for the small business exemption if the total personal property is valued at or below \$80,000. They will **not** be considered Industrial/Manufacturing and therefore will not qualify for the EMPP exemption.

The information above is based on the information available at this time and provides a generalized breakdown showing how marijuana related businesses/buildings may be assessed/taxed. Each facility, if opened in the city will be subject to taxation based on the use, building class, renovations, location, zoning, etc. The taxation process is subject to change as of December 31st each year. As of the date of this memo, the State Tax Commission (STC) has not provided any guidance or guidelines to assessors in regards to taxation of marijuana facilities.



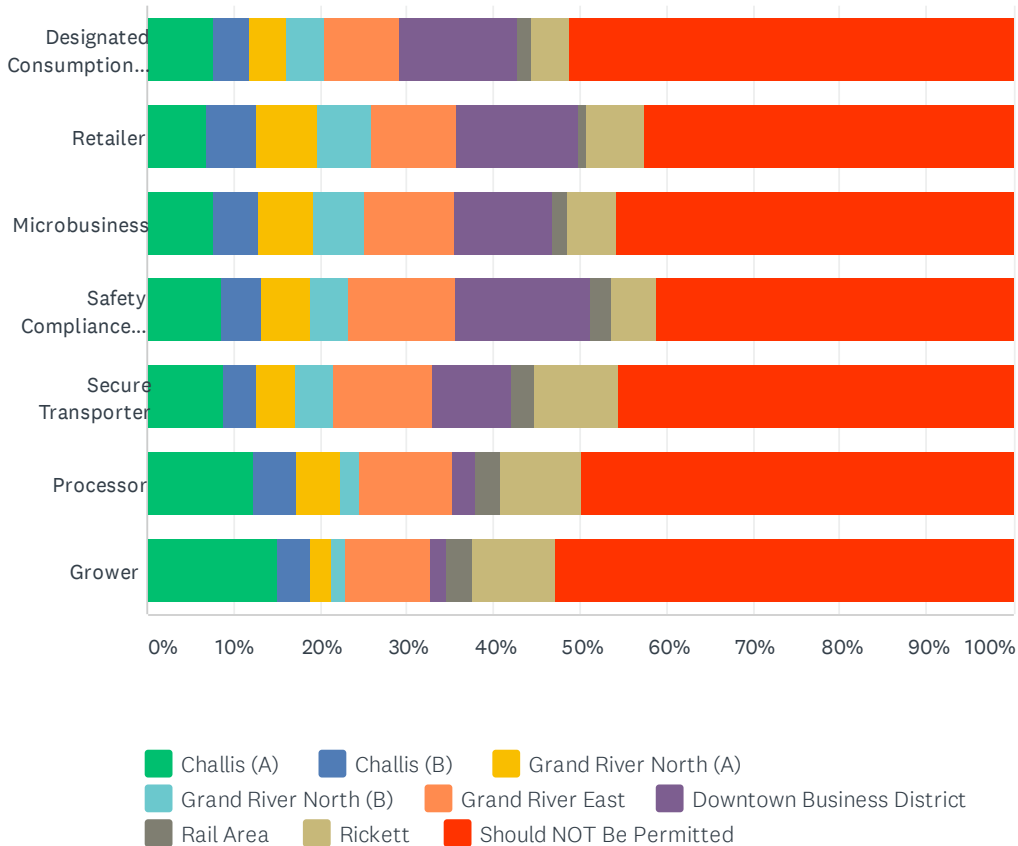
MRA License Type Filter

- Adult-Use Excess Marijuana Grower
- Adult-Use Marijuana Retailer
- Adult-Use Marijuana Class B Grower
- Adult-Use Marijuana Class C Grower
- Adult-Use Marijuana Microbusiness
- Adult-Use Marijuana Processor
- Adult-Use Marijuana Safety Compliance
- Adult-Use Marijuana Secure Transporter
- Medical Marijuana Provisioning Center
- Medical Marijuana Class A Grower
- Medical Marijuana Class B Grower
- Medical Marijuana Class C Grower
- Medical Marijuana Processor
- Medical Marijuana Safety Compliance Facility
- Medical Marijuana Secure Transporter



Q9 In November 2018, voters of the City of Brighton passed Proposal 1, which legalized the adult recreational consumption of marijuana, with a vote of 55.9% "Yes" to 44.1% "No". The City of Brighton is currently evaluating the community's input on the location of marijuana businesses if permitted. If marijuana businesses are permitted, and based on the map, please indicate in the grid below where you would propose locating your top business selection for each type of business. (For definitions of the businesses, please [CLICK HERE](#))

Answered: 400 Skipped: 37



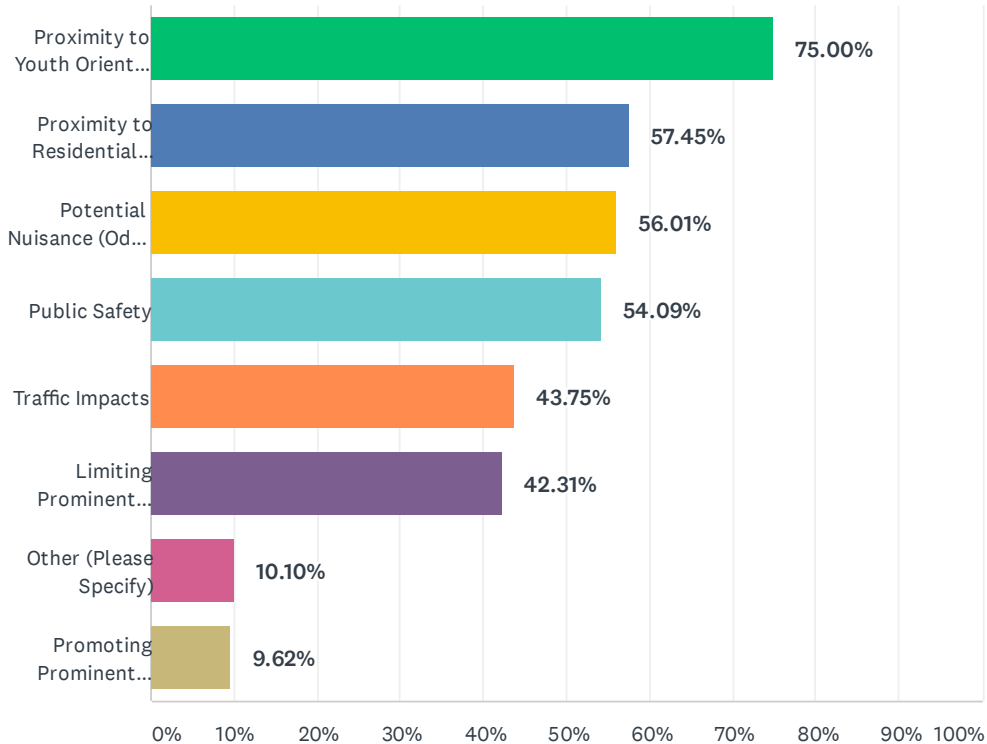
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	CHALLIS (A) (1)	CHALLIS (B) (2)	GRAND RIVER NORTH (A) (3)	GRAND RIVER NORTH (B) (4)	GRAND RIVER EAST (5)	DOWNTOWN BUSINESS DISTRICT (6)	RAIL AREA (7)	RICKETT (8)	SHOULD NOT BE PERMITTED (9)	TOTAL
Designated Consumption Establishment	7.58% 30	4.29% 17	4.29% 17	4.29% 17	8.59% 34	13.64% 54	1.77% 7	4.29% 17	51.26% 203	39
Retailer	6.84% 27	5.82% 23	7.09% 28	6.08% 24	9.87% 39	14.18% 56	1.01% 4	6.58% 26	42.53% 168	39
Microbusiness	7.57% 29	5.22% 20	6.53% 25	5.74% 22	10.44% 40	11.23% 43	1.83% 7	5.74% 22	45.69% 175	38
Safety Compliance Center	8.62% 33	4.70% 18	5.48% 21	4.44% 17	12.27% 47	15.67% 60	2.35% 9	5.22% 20	41.25% 158	38
Secure Transporter	8.75% 33	3.98% 15	4.24% 16	4.51% 17	11.41% 43	9.28% 35	2.65% 10	9.55% 36	45.62% 172	37
Processor	12.27% 47	4.96% 19	4.96% 19	2.35% 9	10.70% 41	2.61% 10	2.87% 11	9.40% 36	49.87% 191	38
Grower	15.03% 58	3.89% 15	2.33% 9	1.55% 6	9.84% 38	1.81% 7	3.11% 12	9.59% 37	52.85% 204	38

BASIC STATISTICS										
	MINIMUM	MAXIMUM	MEDIAN	MEAN	STANDARD DEVIATION					
Designated Consumption Establishment	1.00	9.00	9.00	6.79	2.72					
Retailer	1.00	9.00	7.00	6.41	2.75					
Microbusiness	1.00	9.00	8.00	6.50	2.79					
Safety Compliance Center	1.00	9.00	6.00	6.37	2.74					
Secure Transporter	1.00	9.00	8.00	6.66	2.75					
Processor	1.00	9.00	8.00	6.60	3.01					
Grower	1.00	9.00	9.00	6.70	3.07					

Q10 When considering the placement and regulation of marijuana businesses, what factors should be considered by Planning Commission/City Council?

Answered: 416 Skipped: 21



ANSWER CHOICES	RESPONSES	
Proximity to Youth Oriented Amenities (Schools, Child Care, Centers, Parks, Etc.) (5)	75.00%	312
Proximity to Residential Neighborhoods (4)	57.45%	239
Potential Nuisance (Odor, Noise, Etc.) (3)	56.01%	233
Public Safety (7)	54.09%	225
Traffic Impacts (6)	43.75%	182
Limiting Prominent Visibility (1)	42.31%	176
Other (Please Specify) (8)	10.10%	42
Promoting Prominent Visibility (2)	9.62%	40
Total Respondents: 416		

BASIC STATISTICS				
Minimum	Maximum	Median	Mean	Standard Deviation
1.00	8.00	5.00	4.47	1.93

#	OTHER (PLEASE SPECIFY)	DATE
1	marijuana is a gateway drug and should not be legal.	3/17/2020 12:09 PM

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2	same smoking restrictions as tobacco	3/17/2020 9:44 AM
3	long term parking lease of acces. business	3/6/2020 10:48 AM
4	Assuming this will be a business rather than a park, this really should be treated no differently than a bar.	3/5/2020 11:23 AM
5	let someone else do it	2/25/2020 12:52 PM
6	I've been to states that have had this law in place for awhile now, maybe do some research and find out the impact that has taken place. The law has passed and even though I am not a user we are not the only ones dealing with it.	2/22/2020 9:14 AM
7	Improvement to existing buildings odor filtration	2/22/2020 8:42 AM
8	Do NOT want to interact with individuals under the influence of marijuana	2/18/2020 2:12 PM
9	Don't want any of it	2/17/2020 4:31 PM
10	Must allow and put into place - we desperately need a reason for people to come to Brighton considering it's only restaurants and bars. Get ahead of the curve and implement this fast - get the tax money instead of constantly complaint about lack of funds and charging your business owners and residents for mis management.	2/17/2020 12:18 AM
11	I would never support any type of development for this purpose	2/15/2020 8:06 AM
12	Not in residential areas or near schools	2/14/2020 5:40 PM
13	Do Not Allowed	2/14/2020 4:50 PM
14	rtdfs	2/11/2020 2:05 PM
15	NONE. Keep it out.	2/11/2020 7:48 AM
16	How the hell did this pass? I question validity of this vote. Nothing but trouble!!	2/10/2020 10:53 PM
17	This should not be allowed in our city. If people want marijuana let them go to another city.	2/8/2020 9:31 AM
18	not near the city borders - surrounding communities have turned this down. COB wnants it then put it in our own downtown. dont impose our values on our neighbors	2/8/2020 8:22 AM
19	It should not be permitted.	2/6/2020 10:26 AM
20	There should be a expectation of the quality of the business. Clean, sophisticated, strictly professional.	2/4/2020 2:53 AM
21	Should not be permitted	2/3/2020 9:14 PM
22	I don't care what folks want to do, I just don't like it any more than I do cigarettes, so don't want to have to smell it.	2/1/2020 5:31 PM
23	Pathetic, all the above since your that obviously	1/31/2020 11:08 PM
24	The reputation of the City of Brighton.	1/31/2020 8:21 PM
25	I don't approve of any locations in Brighton for this marijuana business!	1/30/2020 12:00 PM
26	Should not be permitted	1/27/2020 9:22 PM
27	Should be kept well away from any schools or anything that involves young people, and should not be close to residential areas. Additional roads, etc. should be considered to help with traffic congestion.	1/26/2020 4:29 PM
28	Out of sight, out of mind	1/26/2020 2:03 PM
29	We do not want this type of business in this community at all.	1/25/2020 10:45 AM
30	Near Flextech High School, as they already possess a cumulative IQ under that of a German Shepard (which has more rights in the City of Brighton than a human being).	1/24/2020 9:43 PM
31	Overall quality appearance of the city of Brighton.	1/24/2020 5:11 PM
32	This question is stilted. It's a question of production or pure retail. That falls into where we want to facilitate retail and where we want our more industrial business located.	1/24/2020 12:24 PM
33	Don't care	1/24/2020 11:24 AM

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34	There are still to many unknowns. We need to see how this effects others that have opted in before we allow this in the City. There are several cities within driving distance if residents would like to shop.	1/24/2020 10:17 AM
35	should all be on main street where the police can keep good watch on them	1/23/2020 10:08 AM
36	Do not allow it in the City of Brighton.	1/22/2020 9:06 PM
37	Regulate marijuana businesses similar to alcohol related businesses	1/22/2020 6:27 PM
38	Please don't allow retail, wholesale or growing in Brighton. Don't concern yourself with tax revenue on this topic. If you allow this, it will bite back in the future and degrade the community.	1/22/2020 6:23 PM
39	Do not allow!	1/22/2020 2:27 PM
40	Same factors used for business that serve and/or sell alcohol	1/22/2020 1:57 PM
41	Same as alcohol	1/21/2020 5:56 PM
42	I do not attract consumers of recreational marijuana to the City of Brighton. Let them go elsewhere.	1/18/2020 2:11 PM

Q11 Additional feedback on the placement and regulation of marijuana businesses?

Answered: 176 Skipped: 261

#	RESPONSES	DATE
1	no proposal 1 puts city of brighton in conflict with federal authorities.	3/17/2020 12:09 PM
2	no we are against marijuana in brighton!	3/17/2020 11:46 AM
3	no sorry not in my backyard	3/17/2020 11:40 AM
4	no As a longtime homeowner and therefore taxpayer, i am against any and all marijuana availability.	3/17/2020 10:39 AM
5	unrelated detroit, brighton is packed already with people and businesses. unless youre planning on tearing down more houses for apt buildings that will be unaffordable. youre planning firsttime homes starting at \$275k!	3/17/2020 10:23 AM
6	location downtown grand river	3/13/2020 12:30 PM
7	no I voted no.	3/13/2020 12:01 PM
8	no not in favor of it!	3/13/2020 11:50 AM
9	yes open a few stores	3/11/2020 4:41 PM
10	location place away from residences and schools, limit number of businesses in Livingston county	3/9/2020 9:45 AM
11	no Don't really need it!	3/9/2020 9:38 AM
12	no We are a family community- do we really WANT this in Brighton?	3/6/2020 11:04 PM
13	yes good for tax base/revenue instead of another restaurant	3/6/2020 10:48 AM
14	location not near residential, schools, or retail areas. Out in country/agricultural areas.	3/6/2020 10:24 AM
15	yes There could be benefits in putting a consumption establishment close to the downtown region. This could encourage local residents to walk rather than drive, cutting down on traffic. If the establishment offered amenities such as food & beverages, it could be an attraction as well	3/5/2020 11:23 AM
16	no Prefer not to have that in our city or state for that matter.	2/29/2020 10:31 PM
17	location Access to freeway, police visibility, distance from residential areas, and regulation enforcement.	2/29/2020 8:10 PM
18	no RifRaf. We have a good community that we have worked hard to build. Marijuana, in any form, does not belong in our city or surrounding areas.	2/27/2020 12:54 PM
19	none	2/26/2020 3:07 PM
20	no "not in my backyard"	2/25/2020 12:52 PM
21	unrelated Use common sense to maintain order and public safety, and do not impinge upon the freedoms of the citizenry to pursue and obtain happiness.	2/22/2020 3:46 PM
22	yes Only do it if the city has the resources necessary to regulate it (police, fire, proper waste disposal, etc)	2/22/2020 8:42 AM
23	yes the will of the people decided it should be legal so let's be pro-active in accepting new businesses	2/21/2020 8:14 PM
24	no no	2/19/2020 9:53 PM
25	no I wish it wasn't going to be here.	2/19/2020 1:53 PM
26	location Make the retailers expensive and high-end and it should be less of a problem	2/18/2020 9:24 PM

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27	Other/Constuctive The only thing I would strongly disagree with is if all retail sales are banned. Brighton needs good reputable medical and recreational Marijuana business(s)	2/18/2020 9:24 PM
28	yes i think the city should do it. keep the tax money here and not in Ann Arbor..	2/18/2020 4:21 PM
29	location Do NOT allow presence in public locations	2/18/2020 2:12 PM
30	Na	2/18/2020 9:31 AM
31	no dumb idea. No pot!	2/17/2020 5:39 PM
32	no Please don't.	2/17/2020 5:25 PM
33	no The city of Brighton should Not allow this type of business..	2/17/2020 4:43 PM
34	no Don't want any marijuana businesses	2/17/2020 4:31 PM
35	no Should not be placed within the city limits	2/17/2020 3:24 PM
36	yes Must allow - we desperately need new people to come to Brighton. This is the future and we need to be on board.	2/17/2020 12:18 AM
37	yes I hope that this allows for the city to collect a special tax/fee that would create revenue that can be used to fund education and addiction treatment or cessation support. I am concerned with increase in marijuana addiction and impacts on mental health especially with youth. Since residents have voted to allow marijuana use I would like to see any funds generated to be specifically used to address potential public health related issues	2/16/2020 8:29 PM
38	no Stupid idea. Mill pond will become a hangout for pot heads. Don't put our public safety and public works employees through the pain of enforcement and clean up when this starts to impact the city.	2/15/2020 8:06 AM
39	no No marijuana businesses!	2/14/2020 9:54 PM
40	Other/Constuctive If they have to be here, they should be just as inconspicuous as cigarette sales - which means unless I actively search for it, I don't see it.	2/14/2020 8:41 PM
41	no There should be none of these businesses	2/14/2020 5:40 PM
42	Other/Constuctive Should be limited to business district, and only very few shops. My preference is not having any such businesses in the Brighton area	2/14/2020 5:14 PM
43	no Do not Allow	2/14/2020 4:50 PM
44	N/A	2/14/2020 3:50 PM
45	no Do not permit or endorse . We do not need it . Forget it!	2/13/2020 2:11 PM
46	no This industry be is not wanted or needed in our area	2/12/2020 2:07 PM
47	yes Let's get the tax benefits and start fixing our roads. Oh and let's give the people what they voted for too, that's important.	2/12/2020 9:48 AM
48	unrelated wef	2/11/2020 2:05 PM
49	no Let all the potheads stay in Ann Arbor. What a joke that this BS is under city council consideration.	2/11/2020 7:48 AM
50	location Would be great to keep a consumption business downtown. Would bring more people into our local businesses & parks.	2/11/2020 6:15 AM
51	no Don't need them. Will bring problems for our police.	2/10/2020 10:53 PM
52	yes It should be allowed with state regulated regulation	2/10/2020 9:12 PM
53	yes WEED IS GREAT!!!! MORE WEED IN BRIGHTON PLEASE. It heals.	2/10/2020 8:00 PM
54	no Should be far away from Brighton.	2/10/2020 1:00 PM
55	None	2/10/2020 12:38 PM
56	yes Use it to make money for the city	2/10/2020 12:13 PM
57	yes Allowing our community to have these businesses in our town will hemp us a great deal. It will help our road repairs and schools. This is A must.	2/10/2020 11:41 AM
58	Other/Constuctive We shouldn't show the fear around marijuana businesses that a lot of	2/10/2020 8:44 AM

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communities have. But just like it isn't best to have liquor stores with massive signs, they should be built to fit in to the location they are in.

59	no Don't let them in.	2/9/2020 4:32 PM
60	yes Have no issue with it	2/9/2020 1:50 PM
61	yes Please don't be like Howell. We voted yes on this as a nation. You as a city should not veto as they did.	2/9/2020 7:53 AM
62	N/a	2/8/2020 11:20 PM
63	yes Get with the program - this will bring significant tax dollars into our community.	2/8/2020 5:22 PM
64	location Keep it as far away from children as possible	2/8/2020 3:51 PM
65	yes Over 55% Voted in favor just remember that you are to uphold what the public wants.	2/8/2020 12:20 PM
66	None.	2/8/2020 11:40 AM
67	None	2/8/2020 11:10 AM
68	no This is a terrible idea. We are opening ourselves up to increases in pretty crime, issues with increased driving while under the influence, indirect increases to need for emergency services, increased adolescent use of drugs, etc. Allowing the selling of marijuana at a retail level in Brighton is a step backwards for the type of community we are trying to create.	2/8/2020 9:31 AM
69	no When you increase availability of marijuana you will increase youth access to the drug.	2/8/2020 9:14 AM
70	Other/Constuctive put them in the downtown - dont burden the neighboring communities with our need for revenue and selling out to this horrible initiative. COB has police - keep to ourselves	2/8/2020 8:22 AM
71	no It should not be permitted.	2/6/2020 10:26 AM
72	Other/Constuctive Minimize	2/6/2020 8:29 AM
73	Other/Constuctive The people voted to legalize use, not promote,sell, etc.	2/6/2020 7:17 AM
74	no I don't approve of them at all	2/5/2020 8:53 PM
75	location That strip mall with the Dollar Store (where Title One Boxing used to be) would be a great retailer location, facing away from Grand River.	2/4/2020 6:33 PM
76	yes It's great for the city and state.	2/4/2020 1:18 PM
77	no Don't allow this in Brighton	2/4/2020 11:57 AM
78	no Should not be permitted	2/3/2020 9:14 PM
79	no I realize it brings revenue but I'm just not ready to see a dispensary in Brighton	2/3/2020 9:09 PM
80	location Other/Constuctive Should be in a place frequently patrolled by Brighton Police.Should have a test machine similar to breathalyzer to test people driving under the influence.	2/3/2020 7:58 PM
81	no don't want it in Brighton. It's presence would be contrary to the city moto.	2/3/2020 6:56 PM
82	yes Get over it. People bought it before it was legal. It's been growing here for years. Giant farms in Fowlerville. At least make some money. Every other business here fails. We definitely have enough bars, drunks and vape shops in the area.	2/3/2020 5:30 PM
83	None	2/3/2020 3:36 PM
84	yes The city badly needs the revenue and reciprocal benefits.	2/3/2020 2:56 PM
85	no Leave it out of Brighton. Just adds more trouble. Keep the place the way it is and not invite trouble.	2/3/2020 1:31 PM
86	no Should be treated like alcohol... there are no liquor stores downtown. It's not an attraction nor a community activity.	2/3/2020 1:29 PM
87	no Should not be allowed because only young, enudicated people voted for this. It should not be in our community	2/3/2020 12:55 PM
88	no Not in favor of it.	2/3/2020 12:20 PM

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89	Other/Constuctive we have a drug problem...we should not be pushing drug availability especially with a substance which we do not know the 'health' benefits of. is it a medication or a recreational product???? It should NOT be both	2/3/2020 10:50 AM
90	yes The people of Michigan voted to legalize it, please consider it like you do alcohol & bars.	2/3/2020 10:09 AM
91	no Not in Brighton. Let the people buy it elsewhere.	2/3/2020 6:46 AM
92	no Other/Constuctive This should not be an image that bright wants- it would make me not want to move here	2/2/2020 5:30 PM
93	no Let the stoners go to libtard land(Ann Arbor). Also, BEFORE you get involved in the pot business, wouldn't it make sense to ensure that ALL governmental entities(i.e., Federal,State,local) are on the same page??	2/2/2020 12:06 PM
94	Other/Constuctive yes Lived in Colorado when legalization took place and even though we don't smoke, it wasn't bothersome to provide marijuana services to the community. Tax money benefits the community and maybe we won't have to keep hiking up the property taxes of property owners in the city.	2/2/2020 7:05 AM
95	Other/Constuctive yes Give marijuana businesses a good faith consideration, there's no reason to leave those tax dollars on the table when they could benefit our community.	2/2/2020 12:48 AM
96	Other/Constuctive yes We have bars for alcohol: that's a drug, too. As long as I don't have to deal with the smell when I walk by outside, I don't care where it is. I won't go in, but I've got no issue with others doing it.	2/1/2020 5:31 PM
97	N/A	2/1/2020 11:25 AM
98	yes Since the law was passed, we should be able to have the facilities in the city so they city could get the taxes and maybe ease the taxes on the individual homeowners.	2/1/2020 10:12 AM
99	yes Marijuana businesses should be permitted, but not emphasized as an attraction of Brighton.	2/1/2020 10:09 AM
100	no Should Never have been approved!!	1/31/2020 11:08 PM
101	yes Gotta do it...This would be a cash cow for the city	1/31/2020 8:47 PM
102	Other/Constuctive Did any of the City Council research the harmful effects of marijuana? Did they take into consideration it is STILL a federal crime? Why would any responsible adult think this is a good idea? Ask Colorado how ridiculous legalizing and distributing marijuana affected their communities, crimes, schools and children!	1/31/2020 8:21 PM
103	Other/Constuctive I don't know enough about the marijuana business to give my opinion.	1/31/2020 6:16 PM
104	no The potential revenue isn't worth it —stay away from those businesses	1/31/2020 6:09 PM
105	yes Just get it together already and quit procrastinating. The Downtown area already has a billion bars, may as well add some pot shops and save people the trip to Ann Arbor or elsewhere. And for the record, I do NOT use marijuana.	1/31/2020 5:23 PM
106	yes Embrace the business and help it grow!	1/31/2020 5:21 PM
107	no Not in favor of marijuana businesses in general.	1/31/2020 5:12 PM
108	no I voted no.	1/31/2020 4:19 PM
109	no Retailing should not be permitted.	1/31/2020 11:26 AM
110	Other/Constuctive Poor idea in general.	1/31/2020 8:55 AM
111	Other/Constuctive Regulate it	1/30/2020 7:22 PM
112	no As I states, I don't approve of marijuana sales in Brighton.	1/30/2020 12:00 PM
113	no I voted not to legalize and nothing has changed that. I do NOT want pot sellers anywhere around here.	1/30/2020 8:27 AM
114	no I don't think we need marijuana businesses in our community.	1/29/2020 4:34 PM
115	Other/Constuctive Use the revenue to fix the roads. It's painfully obvious that despite the fact that taxes have been raised to fix the roads virtually nothing has been done.	1/29/2020 12:20 PM
116	no I do not believe marijuana businesses should be allowed in Brighton. If people choose to consume at home, fine, but I don't want to see businesses in Brighton. Children especially do	1/29/2020 9:52 AM

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not need to be exposed to this. Vaping is already out of hand in Brighton schools.

117	Other/Constuctive Today's unseen consequences of legalizing pot will become visible in a few years. Brighton needs to heed the warnings and prepare.	1/29/2020 8:45 AM
118	none	1/28/2020 10:00 PM
119	yes for medical use only	1/28/2020 7:26 PM
120	no not be allowed	1/28/2020 1:48 PM
121	yes firm believer for medical use	1/28/2020 10:21 AM
122	no Please do not allow the establishment of any marijuana business in Brighton. The potential negative impacts far outweigh any minimal economic benefits.	1/27/2020 11:16 AM
123	yes Marijuana industry leads to millions of tax dollars, city of Brighton needs to be smart and jump on a good opportunity	1/26/2020 5:38 PM
124	Other/Constuctive Keeping air pollution to a minimum is extremely necessary. I personally find it difficult to imagine that the City of Brighton, which is already very congested, will be able to handle this project safely with an eye to the health of all Brighton residents.	1/26/2020 4:29 PM
125	Other/Constuctive The tax revenue should go to improving the infrastructure of the city.	1/26/2020 2:52 PM
126	Other/Constuctive Bad for our health.	1/26/2020 2:03 PM
127	None	1/26/2020 12:28 PM
128	no Would prefer to not have them in Brighton	1/26/2020 12:13 PM
129	no Outside City Limits	1/26/2020 10:53 AM
130	no I do not want any type of marijuana business in the city limits of Brighton.	1/25/2020 6:54 PM
131	Other/Constuctive Consider traffic, parking and wayfinding for out-of-town guests when placing businesses, in addition to residential concerns.	1/25/2020 1:18 PM
132	unrelated For #9=no definitions for the categories- incomplete- zoning qualifications affect suggested choice made.	1/25/2020 12:57 PM
133	yes I believe as long as they are strongly regulated that the income generated from it would be a boost to our economy	1/25/2020 10:54 AM
134	no Should not be allowed here at all, will lead to downgrade of our community.	1/25/2020 10:45 AM
135	Other/Constuctive Most in the City of Brighton are perpetually inebriated. Just look at the grocery carts leaving any given grocery store and you will understand why marijuana public consumption could be problematic.	1/24/2020 9:43 PM
136	unrelated Question 9 only allows selection of one location for each type of marijuana business. This is a poor survey question and will not give meaningful results. Please don't use this data to try and pin down locations for each type of business. A better survey would allow feedback for each type of business in each area.	1/24/2020 6:58 PM
137	no SHOULD NOT BE ALLOWED. Brighton is a high quality place to live and this should not be promoted.	1/24/2020 5:11 PM
138	yes It's going to happen. Do our best with it.	1/24/2020 12:45 PM
139	location I believe these businesses should absolutely not be near the DBD or any neighborhoods/schools.	1/24/2020 12:32 PM
140	Other/Constuctive As with any business, we need to be cultivating well planned and beautifully executed. Right now there is such a cluster of chain, big box and light industrial that it feel like there is no city planning at all in regards to business so to isolate the Marijuana business seems to be missing the overall issue with our overall economic development	1/24/2020 12:24 PM
141	yes If a package liquor store is permissable so should a marijijana outlet.	1/24/2020 11:31 AM
142	Other/Constuctive Simple rules	1/24/2020 11:24 AM
143	Other/Constuctive Maybe look at this industry like liquor stores.	1/24/2020 10:57 AM
144	no Federal law has declared the use, sale or distribution of marijuana illegal. This being a cash only business and the fact that we are located at the cross of 23 & 96 to me is a recipie	1/24/2020 10:17 AM

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for higher crime. There are areas in the state that are overwhelmed with the order. I do not think this would be a good fit with our motto, "where quality is a way of life."

145	None	1/24/2020 7:17 AM
146	unrelated Map question #9 does not allow multiple locations for activities. Also, it's not clear what some of the activities listed are (microbusiness, safety compliance center). So, I saw no point in answering this question at all.	1/23/2020 3:33 PM
147	no should not be allowed	1/23/2020 2:09 PM
148	no I would prefer it not be located in Brighton at all.	1/23/2020 1:28 PM
149	NA	1/23/2020 12:59 PM
150	None	1/23/2020 11:29 AM
151	Other/Constructive Our society has become using something to not feel anything. Marijuana is good for the people are seriously ill. I guess we want a bunch of drug heads in Brighton.	1/23/2020 11:05 AM
152	no Don't think the city of Brighton should bring that to our town	1/23/2020 10:31 AM
153	yes Get rid of some of the bars and put in the pot houses. Keep it all where the police can keep constant supervision. More concern will be taken by business owners when it affects them	1/23/2020 10:08 AM
154	no I would like to keep it out	1/23/2020 8:36 AM
155	no Not up in here!!	1/22/2020 9:32 PM
156	no Not worth the tax revenue.	1/22/2020 9:06 PM
157	Other/Constructive unrelated I neither use or intend to do so, but I think this survey is clearly stacked against any measurable community support for this industry (difficulty of finding the definitions of the business - that link would require an attorney to spend significant time locating the relevant information. Sad that those authoring this are seemingly intent on ensuring the result they desire is achieved, not hearing from the public.	1/22/2020 8:32 PM
158	no Not with in city limits	1/22/2020 7:08 PM
159	no Don't allow it to be sold in any part of the community. Please. Nothing good will come of it. We are not Ferndale or Royal Oak. Nor do we want to be.	1/22/2020 6:23 PM
160	yes They need to open at least 2 businesses	1/22/2020 6:17 PM
161	Other/Constructive How about the same rules that apply to alcohol as a starting point	1/22/2020 3:46 PM
162	yes Voters have spoken don't beat this to death	1/22/2020 1:57 PM
163	Other/Constructive Discrete signage	1/22/2020 1:50 PM
164	Other/Constructive Minimize impact as much as possible	1/22/2020 1:44 PM
165	no Not in our city	1/22/2020 1:33 PM
166	None	1/22/2020 12:44 PM
167	None	1/22/2020 11:19 AM
168	location Locate it so it's contained in one area away from major retail establishments and traffic.	1/22/2020 11:01 AM
169	no Other/Constructive The users can grow it, the City doesn't need to sell it, let them go to Ann Arbor, Flint and Lansing	1/22/2020 10:30 AM
170	yes We have liquor stores and bars all over town, there shouldn't be a problem supporting the growth of marijuana businesses in Brighton.	1/22/2020 9:26 AM
171	no Don't allow them. Let them go elsewhere.	1/21/2020 11:54 PM
172	Other/Constructive why not high in Howell ?	1/21/2020 7:38 PM
173	yes this will produce major income for the city, do not pass this by. Monies will make this town better than it already is. Marijuana is not the enemy, alcohol is.	1/21/2020 7:11 PM
174	yes Free market. Let them go where they want. It's legal. What restrictions do we have on liquor. Make it the same.	1/21/2020 5:56 PM

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175	N/A	1/21/2020 12:50 PM
176	Other/Constuctive I have not seen where cities as small as Brighton seem to want marijuana stores in their city.	1/18/2020 2:11 PM

Michigan Cannabis Terms to Know

Cannabis

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 cannabis concentrate and cannabis-infused products.

Cannabis business

A cannabis grower, cannabis safety compliance facility, cannabis processor, cannabis microbusiness, cannabis retailer, cannabis provisioning center, cannabis secure transporter, or any other type of cannabis establishment or facility licensed by State of Michigan Licensing and Regulatory Agency (LARA).

Cannabis grower

A person licensed to cultivate cannabis and sell or otherwise transfer cannabis to cannabis establishments.

Cannabis-infused product

means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable cannabis that is intended for human consumption in a manner other than smoke inhalation. Cannabis-infused product shall not be considered a food for purpose of the Food Law, MCL 289.1101 to 289.8111.

Marihuana Tracking Act or MTA

Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

Cannabis microbusiness

A person licensed to cultivate not more than 150 cannabis plants, process and package cannabis, and sell or otherwise transfer cannabis to individuals who are 21 years of age or older or to a cannabis safety compliance facility, but not to other cannabis establishments.

Cannabis processor

A person licensed to obtain cannabis from cannabis establishments; process and package cannabis; and sell or otherwise transfer cannabis to cannabis establishments.

Cannabis provisioning center

A licensee that is a commercial entity located in the city that purchases cannabis from a grower or processor and sells, supplies, or provides cannabis to registered qualifying patients, directly or through the patients' registered primary caregivers.



Cannabis plant (Source: MSUE)



Cannabis tincture (Source: Kat Hegelson)



Cannabis edibles (Source: Shutterstock)



Cannabis processing (Source: Business Wire)



Cannabis provisioning center in Ferndale (Source: Jack Roskopp)

Michigan Cannabis Terms to Know (continued)

Cannabis retailer

A person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.

Cannabis safety compliance facility

A person licensed to test cannabis, including certification for potency and the presence of contaminants.

Cannabis secure transporter

A person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.

Designated consumption establishment

A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marijuana act.

Primary caregiver or registered primary caregiver

A person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past ten years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

Process or processing

To separate or otherwise prepare parts of the cannabis plant and to compound, blend, extract, infuse, or otherwise make or prepare cannabis concentrate or cannabis-infused products.

Qualifying patient or registered qualifying patient

A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another state or other entity of the United States which identifies the person as a registered qualifying patient.



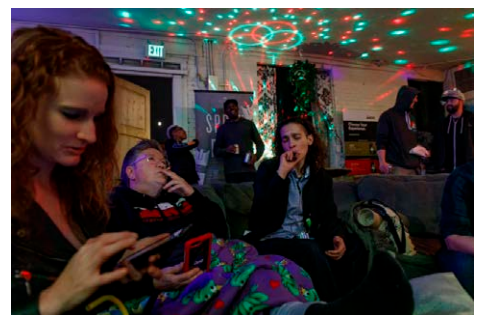
Cannabis retailer (Source: Exclusive Brands)



Cannabis testing (Source: Wikimedia commons)



Cannabis secure transport (Source: MPI International)



Cannabis consumption club in Denver, CO (Source: Brian Cassella, Chicago Tribune)