

CITY OF MT. MORRIS  
GENESEE COUNTY, MICHIGAN  
**ORDINANCE NO. 2021-03**

An ordinance to amend the Appendix D of the Code of Ordinances, City of Mt. Morris, Michigan, the Zoning Ordinance, (a) by adding Section 9.20 entitled, “Marijuana Establishments (Recreational Marijuana)”, which section contains standards for marijuana establishments, (b) by adding Section 2.46A to the Definitions section which section is entitled, “Marijuana Establishment Definitions”, and (c) by amending the district regulations with respect to Section 6.12 Commercial “C” (general business) district as set forth in Section 6.04 of the Zoning Ordinance by adding to under the district regulation section under the heading “Conditional Uses Permitted” a paragraph stating that marijuana establishments subject to Section 9.20 of the Zoning Ordinance are permitted.

**THE CITY OF MT. MORRIS ORDAINS:**

**SECTION I**           Section 9.20 is hereby added to Article 9 of the Zoning Ordinance as follows:

**Section 9.20 MARIJUANA ESTABLISHMENTS**

It is the intent of this section to regulate any marijuana establishments by the following requirements:

**A. Operational Limitations.**

1. A marijuana establishment shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.
2. A marijuana establishment shall comply at all times with each and every provision of the State of Michigan, Michigan Regulation and Taxation of Marijuana Act (MRTMA)
3. Any permitted activities conducted by a marijuana establishment must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.
4. Persons under the age of twenty-one (21) years of age are not permitted to be on the property of any marijuana establishments.
5. Advertising and/or marketing for a marijuana establishment, viewed from the exterior, shall not appeal to or have the effect of appealing to minors, this shall include but is not limited to signage, flyers, banners, etc. as permitted in Chapter 48 of the City Code of Ordinances.
6. Any owners and/or operators of any marijuana establishments who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.
7. Unless otherwise permitted through co-location with another marijuana transaction facility and/or marijuana establishment, no license will be approved on a property that has any other approved uses.

## B. Locational Limitations

1. Marijuana Retailer - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana retailer shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.

While subject to all other requirements of this Ordinance, it is not the intention of the City of Mt. Morris to require an additional special use approval for the marijuana establishment if the Planning Commission has already approved a special use for a medical marijuana provisioning center and said provisioning center has been operating under that approval with a State of Michigan approved license.

2. Marijuana Microbusiness - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana microbusiness shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.
3. Marijuana Grower - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana grower shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.

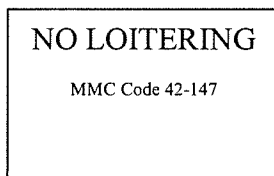
4. Marijuana Processor - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana processor shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.
5. Marijuana Safety Compliance Facility - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the safety compliance facility shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.
6. Marijuana Secure Transporter - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the secure transporter facility shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.

### **C. Site Plan Requirements**

1. Any person who wished to operate any marijuana establishment shall submit an application for Conditional Use review to the City of Mt. Morris as set forth in Section 9.20, consistent with the zoning of the property, showing required locational limitations as set forth in Section 6.12 Section 2 r as they apply, shall pay a nonrefundable fee as shall be

established, and from time to time be amended by resolution of the Mt. Morris City Council, and which shall include the following:

- a. Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.
  - b. Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
  - c. Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.
  - d. Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.
  - e. A description of the operation of the commercial marijuana establishments in sufficient detail to permit the City to determine if the operation, as described would be lawful and fully compliant with The Michigan Regulation and Taxation of Marihuana Act (MRTMA)
2. Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Building and Zoning Departments. At this time the applicant must also pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council.
  3. Annual renewal of the application is required for any marijuana establishments and must comply with 9.20 (D).
  4. All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.
  5. Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of 9.20 (E). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.
  6. A licensed Marijuana establishment shall maintain a clearly legible sign, not less than 18" x 24" in size, and white background with black lettering in color, reading "No Loitering" at or near each public entrance. The sign shall also display the Ordinance number as the following design:



**C. Periodic Inspections** Prior to the start of operations all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this Ordinance and Section, and any reasonable conditions placed upon any special land use approval. Once

operations begin, all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make inspections in accordance with applicable codes.

**D. Annual Renewal** A marijuana establishment approval shall be issued for a 1-year period and is renewable annually.

1. Except as set forth in this Ordinance, the City through the appropriate department shall renew a license if all of the following requirements are met:
  - a. The applicant submits a renewal application provided by the City of Mt. Morris and pay the annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council; and
  - b. The application is received by the City on or before the expiration date of the current approval.
2. It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Mt. Morris shall notify the applicant at the last known address on file advising them, they have 30 days to apply for renewal and pay any applicable late fees and the annual non-refundable fee. Failure to renew 30 days from date noticed mailed will revoke the establishment's certificate of occupancy and require any future application to be considered new.
3. Renewal shall be considered 1-year from the date in which the annual fee is paid.
4. In its decision on an application for renewal, the City of Mt. Morris shall consider any input from the building official, code enforcement officer, fire department and/or police department.

**E. Securing locational limitations** Applications are considered on a first come basis for purpose of required locational limitations as set forth in Section 6.12 Section 2 r. Consideration is only taken when the complete application is submitted to the City of Mt. Morris and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a State operating license does not secure any position for locational limitations.

**F. Penalty** Any person who violates any of the provisions of this chapter shall be deemed guilty of a municipal civil infraction, as established by the Code of Ordinances of the City of Mt. Morris, municipal civil infractions section 1-14. Any violation of the provisions of this ordinance shall be deemed a new and separate offense for each day that the violation continues to exist.

**SECTION II** Section 2.64A of the Zoning Ordinance is hereby added to Article 2, as follows:

**Section 2.64A MARIJUANA ESTABLISHMENT DEFINITIONS.**

- A. **LOCATIONAL LIMITATIONS** when determining the distance requirements of any marijuana transaction facility and/or marijuana establishment the term "within" shall mean as measured from property line to property line.
- B. **MARIJUANA ESTABLISHMENT** means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the State of Michigan.

- C. **MARIJUANA GROWER** means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments. Shall include a State licensed Excess Marijuana Grower.
- D. **MARIJUANA MICROBUSINESS** means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
- E. **MARIJUANA PROCESSOR** means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
- F. **MARIJUANA RETAILER** means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
- G. **MARIJUANA SECURE TRANSPORTER** means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- H. **MARIJUANA SAFETY COMPLIANCE FACILITY** means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

**SECTION III** Section 6.12 entitled “Commercial “C” (General Business) District” is hereby amended by adding subparagraph r to paragraph 2 entitled “Conditional Uses Permitted” as follows:

Section 6.12 COMMERCIAL “C” (GENERAL BUSINESS) DISTRICT

2. CONDITIONAL USES PERMITTED:

r. Marijuana Establishments subject to the provisions of section 9.20.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 9th day of August, 2021.

**CITY OF MT. MORRIS**

  
 BY: Jeffrey N. Roth, Mayor

  
 BY: Spencer Lewis, City Clerk

Ordinance introduced on: 07/26/2021  
 Second Reading: 08/09/2021  
 Publication date: 08/18/2021  
 Effective date: 08/28/2021