



**City of Allegan
Planning Commission
Allegan City Hall – 231 Trowbridge Street, Allegan MI 49010
Monday, February 17, 2020
6:00PM**

AGENDA

- 1. Call to Order**
- 2. Attendance**
- 3. Approval of the Minutes of January 20, 2020 Meeting**
- 4. Public Comment**
- 5. Discussion**
5A.1 – Public Hearing and Action on Ordinances to Regulate Marijuana Establishments
- 6. Staff/Commission Comments**
- 7. Adjournment**



**City of Allegan
Planning Commission Meeting
Monday, January 20, 2020
Allegan City Hall Council Chambers
231 Trowbridge Street Allegan MI 49010**

MINUTES

1) Call to Order

Julie Emmons called the meeting to order at 6:00 pm.

2) Attendance

Present: Julie Emmons, Jason Watts, Roger Bird, Traci Perrigo, Tanya Westover and Alex Wilkening

Absent: Brad Burke, Thomas Morton and one vacancy.

Others Present: Joel Dye, City Manager

Motion by Jason Watts, supported by Alex Wilkening, to excuse the absences of Brad Burke and Thomas Morton. Motion Carried 6-0.

3) Approval of the Minutes of December 16, 2019 Meeting

Motion by Jason Watts, supported by Traci Perrigo, to approve the minutes from the December 16, 2019 Planning Commission Meeting. Motion Carried 6-0.

4) Public Comment

None

5) Discussion

5A.1 – Review and Discussion of Ordinances to Regulate Marijuana Establishments

Dye reviewed proposed amendments to an ordinance that was rejected by City Council in the fall of 2019 to regulate marijuana establishments. During the review, Dye reminded the Planning Commission that they directed staff to review the discussion of the City Council meeting where the original ordinance was defeated and to propose a new ordinance that would satisfy concerns that were listed by individual councilmembers. Specifically Dye pointed out the new ordinance

includes the following changes:

- Increasing the separation from schools from 500 feet to 1,000 feet.
- Adding a 1,000 foot separation between provision centers, retailers and micro businesses.
- Outright banning On Site Consumptions Establishments.
- Making the signage allowances stricter.

The Commission spent much time discussing the 1,000 foot separation between provision centers, retailers and micro businesses. During this discussion, it was pointed out that this would possibly only allow one or maybe two stores in the downtown. The Commission also discussed the idea of prohibiting stores on Locust Street and Hubbard Street between Chestnut Street and Locust/Brady Street, however in the end it was the consensus that the market will determine where these stores can locate.

Motion by Jason Watts, supported by Julie Emmons to schedule a public hearing on the new ordinance for the February 17, 2020 Planning Commission Meeting. Motion Carried 6-0.

6) Staff/Commission Comments

None

7) Adjournment

The meeting was adjourned by Julie Emmons at 6:53 p.m.

**Respectfully submitted by
Joel Dye, City Manager**

MEMORANDUM

TO: City of Allegan Planning Commission
FROM: Joel Dye, City Manager
RE: Public Hearing and Recommendation of Proposed City of Allegan Marijuana Ordinances
DATE: February 17, 2020

Summary

It is recommended that the Allegan Planning Commission hold the required public hearing and subsequently approve the attached ordinance regulating the placement and operation of marijuana establishments within the City of Allegan and recommend that City Council accept the ordinance for a first reading at City Council's February 24, 2020 Meeting.

Over the past two months, the Planning Commission has been working on several amendments to an ordinance that would regulate the placement and operation of marijuana establishments in the City of Allegan that was voted down by City Council last October. Through their discussion, the Commission tried to address several comments from the City Council that were made last October and made them uncomfortable with the ordinance as presented back then. These amendments include:

- Increase the separation from schools from 500 feet to 1000 feet,
- Include a separation distance of 1000 feet between retail shops, provision centers and microbusinesses,
- Prohibit on-site consumption establishments,
- Prohibit temporary marijuana events, and
- Tighten signage requirements.

At the January 17, 2020 Planning Commission meeting the amended ordinance was reviewed and a public hearing was scheduled for the February 17, 2020 Planning Commission meeting.

In addition to the ordinance regulating the placement and operation of marijuana establishments, this report also includes an ordinance that will regulate the licensing process for marijuana establishments. This ordinance is included in this report for informational purposes only for the Planning Commission, since it is an administrative ordinance and the Planning Commission has no authority over that type of ordinance.

Recommend

It is requested that the Allegan Planning Commission hold the required public hearing and subsequently approve the attached ordinance regulating the placement and operation of marijuana establishments within the City of Allegan and recommend that City Council accept the ordinance for a first reading at City Council's February 24, 2020 Meeting.

Attachments

Marijuana Regulatory Ordinance

Marijuana Zoning Ordinance

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO ADD A NEW SECTION 1707.33 TO ARTICLE XVII OF
THE ALLEGAN CITY ZONING ORDINANCE, AND TO AMEND THE USE
TABLE IN SECTION 402.01, TO REGULATE MARIJUANA BUSINESSES AS
SPECIAL USES IN VARIOUS ZONING DISTRICTS AND TO PROVIDE
PENALTIES FOR VIOLATIONS**

The City of Allegan Ordains:

Section 1. Addition. A new Section 1707.33 is added to Article XVII of the Allegan City Zoning Ordinance to read as follows:

Sec. 1707.33. Marijuana Businesses.

A. *Definitions*. The following words and phrases have the meanings ascribed to them below when used in this section unless the context clearly indicates otherwise:

1. *Co-located marijuana business* means a marijuana business with 2 or more types of state operating licenses operating within a single location.
2. *Designated consumption establishment* means a business licensed as a designated consumption establishment under the MRTMA.
3. *Excess marijuana grower* means a business licensed as an excess marijuana grower under the MRTMA.
4. *Grower* means a business licensed as a grower under either the MMMFLA, the MRTMA, or both.
5. *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
6. *Marijuana* means, depending on the context, the same thing as “marihuana” as defined in the MMMFLA, the MRTMA, or both.
7. *Marijuana business* is a land use involving one or more licenses issued under the MMMFLA, the MRTMA, or both.
8. *Microbusiness* means a business licensed as a marijuana microbusiness under the MRTMA.
9. *MMMA* means the Michigan medical marihuana act, 2008 IL 1, as amended MCL 333.26424 *et seq.*
10. *MMMFLA* means the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
11. *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended MCL 333.27951 *et seq.*
12. *Processor* means a business licensed as a processor under either the MMMFLA, the MRTMA, or both.
13. *Provisioning center* means a business licensed as a provisioning center under the MMMFLA. A noncommercial location used by a primary caregiver to assist a qualifying patient

- connected to the caregiver through LARA's marijuana registration process in accordance with the MMMA is not a provisioning center for purposes of this section.
14. *Retailer* means a business licensed as a retailer under the MRTMA.
 15. *Safety compliance business* means a business licensed as a safety compliance facility under the MMMFLA, the MRTMA, or both.
 16. *Secure transporter* means a business licensed as a secured transporter under the MMMFLA, the MRTMA, or both.
 17. *Stacked grower licenses* means two or more grower licenses issued to a single person under the MMMFLA or MRTMA.
 18. *State operating license or license* means a license that is issued under the MMMFLA or MRTMA or any rule promulgated pursuant to either statute.
 19. *Temporary marijuana event* means an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on a state operating license issued under the MRTMA during the specified dates.
- B. *Regulations and Conditions.* Marijuana businesses are permitted as special uses in the zoning districts indicated in the Table of Uses in Section 402.01, subject to the following regulations and conditions:
1. Marijuana businesses must comply with the MMMFLA, the MRTMA, and any applicable rules promulgated under either statute.
 2. Co-located marijuana businesses and stacked grower licenses may be permitted, subject to the regulations in this section, the Table of Uses in Section 402.01, and any applicable rules promulgated by LARA.
 3. No marijuana business may operate without first obtaining final authorization for each state operating license from the city clerk pursuant to Chapter 31 of the City Code.
 4. Marijuana businesses (including both the building and surrounding site) shall be sufficiently designed in a manner to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
 5. Special use applicants must provide a plan for the storage and disposal of marijuana or chemicals associated with marijuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure. At no time should byproducts be deposited into the ground.
 6. No marijuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marijuana overnight in an outdoor waste bin.
 7. The outdoor storage of trash or rubbish shall be appropriately screened.
 8. Signage for marijuana businesses will be approved pursuant to the generally applicable procedures and standards provided in Chapter 23 of the City Code, with the following additional restrictions:
 - a. A marijuana business may display no more than two separate signs. Flyers, window decals, or other objects visible from and facing toward the exterior of the building are considered signs for purposes of this section.
 - b. Signs must be affixed to the building on the premises and are subject to the dimensional regulations for the underlying zoning district.

- c. Signage text shall be limited to identifying the licensee's business or trade name, stating the location of the business, and identifying the nature of the business. For purposes of this section:
 - i. Stating the location of the business may include information such as the physical address or location, directional information, website address, email address, or phone number of the licensed business.
 - ii. Identifying the nature of the business may include information related to the operation of the business, what the business is engaged in, or the goods the business offers for sale.
 - d. Signs shall not contain depictions of marijuana plants or marijuana products. For purposes of this section:
 - i. A depiction of a marijuana plant means an image of visual representation of a cannabis leaf, plant, or the likeness thereof that suggests or represents a cannabis leaf or plant.
 - ii. A depiction of a marijuana product means an image or visual representation of useable marijuana, marijuana-infused products, or marijuana concentrates, or an image that indicates the presence of a product, such as smoke, etc.
 - e. Signs shall not contain images or text designed to appeal to persons under legal age to consume marijuana. By way of example but not of limitation, signs shall not include cartoon characters, images of youthful persons, or slang terminology for marijuana that may be designed to appeal to minors (e.g., "weed" or "kush").
9. The cultivation and processing of marijuana must be conducted in a manner that minimizes adverse impacts on the public sanitary sewer and natural environment. The applicant shall submit, for review and comment, all pertinent information relating to the applicant's proposed sewer discharges to the City sanitary sewer and any other proposed methods of byproduct disposal or reuse.
10. Marijuana businesses must control and eliminate odor as follows:
- a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - d. Negative air pressure must be maintained inside the building.
 - e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.

11. For growers and excess growers:

- a. Cultivation must occur within an enclosed building with exterior facades (not including windows) consisting of opaque materials typical of an industrial or commercial building. Windows shall be arranged in such a way that marijuana plants are not visible from the exterior of the building.
- b. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

12. For provisioning centers, retailers, and microbusinesses:

- a. Provisioning centers, retailers, and microbusinesses may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
- b. Provisioning centers, retailers, and microbusinesses may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
- c. The exterior appearance of a provisioning center, retailer, or microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- d. The interior of the building must be arranged in a way such that neither marijuana, marijuana-infused products, nor paraphernalia are visible from the exterior of the building.
- e. The lot on which a provisioning center, retailer, or microbusiness is located must be at least 1,000 feet from a lot that, on the effective date of this ordinance, contains a public or private school providing education in kindergarten or any grade 1 through 12. The 1,000-foot buffer shall be computed by measuring a straight line from the nearest property line on the lot used as a K-12 school to the nearest property line of the lot used as a provisioning center, retailer, or microbusiness. This buffering requirement modifies and supersedes the default requirements in Section 9 of the MRTMA.
- f. The lot on which a provisioning center, retailer, or microbusiness is located must be at least 1,000 feet from another lot that contains any of those three business types. If at any given time the City has two pending applications that, if granted, would result in a violation of this subsection, the priority of those applications shall be determined as provided in Chapter 31 of the City Code.

C. *Prohibited business types.* Temporary marijuana events and designated consumption establishments are prohibited in the City.

D. *Penalties.* Notwithstanding any other provision to the contrary, penalties for violations of this section shall be as follows:

1. If at any time an authorized marijuana business violates this section, any condition imposed through a special use permit, or any other applicable city ordinance, the City Council may request that LARA revoke or refrain from renewing the business's state operating license. Additionally, the special use permit may be revoked pursuant to the generally applicable process provided in this zoning ordinance.
2. It is unlawful to disobey, neglect, or refuse to comply with any provision of this section or any condition of a special use permit issued pursuant to this section. A violation is a municipal civil infraction subject to a fine of \$500.

- The foregoing sanctions are in addition to the city’s right to seek other appropriate and proper remedies, including actions in law or equity.

Section 2. Addition. The Table of Uses in Section 402.01 of the Allegan City Zoning Ordinance is amended to add the following use regulations for marijuana businesses:

	P = Permitted by Right S – Special Use * - See standards in Article XVII	R-1 Single Family Residential District – Low Density	R-2 Single Family Residential District – Med Density	R-3 Multiple Family Dwelling District	R-4 Mobile Home Residential District	PGL Public/Governmental Lands District	C-1 Central Business District	C-2 General Commercial District	C-3 Restricted Commercial District	M-1 Manufacturing District
*	Marijuana Growers, Excess Growers, Processors, Secure Transporters, or Safety Compliance Facilities (Medical and Adult Use)									S
*	Marijuana Provisioning Center (Medical)						S	S		
*	Marijuana Retailer (Adult Use)						S	S		
*	Marijuana Microbusiness (Adult Use)						S	S		S

Section 3. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of _____, 2020.

Traci Perrigo, Mayor

Chris Tapper, City Clerk

PC Hearing: _____, 2020

Introduced: _____, 2020

Adopted: _____, 2020

Published: _____, 2020
Effective: _____, 2020

DRAFT

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND CHAPTER 31 OF THE ALLEGAN CITY CODE
TO ALLOW MARIJUANA BUSINESSES OPERATED IN ACCORDANCE WITH
STATE LAW AND THE CITY'S ZONING ORDINANCE**

The City of Allegan ordains:

Section 1. Amendment. Chapter 31 of the Allegan City Code of Ordinances is hereby amended to read as follows:

**Chapter 31 - Marijuana Businesses
Division 1 - General**

Sec. 31-1. Definitions.

The following words and phrases have the meanings ascribed to them when used in this chapter:

- (a) *Co-located business* means a marijuana business with 2 or more types of state operating licenses operating within a single location.
- (b) *Designated consumption establishment* means a business licensed as a designated consumption facility under the MRTMA.
- (c) *Excess marijuana grower* means a business licensed as an excess marijuana grower under the MRTMA.
- (d) *Grower* means a business licensed as a grower under either the MMMFLA, the MRTMA, or both.
- (e) *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
- (f) *Location-specific step* means the portion of the application for a state operating license under the MMMFLA and the MRTMA that follows the prequalification step and pertains to the details of the proposed location.
- (g) *Marijuana* means, depending on the context, the same thing as “marihuana” as defined in the MMMFLA, the MRTMA, or both.
- (h) *Marijuana business* or *business* is a business involving one or more licenses issued under the MMMFLA, the MRTMA, or both.
- (i) *Microbusiness* means a business a business licensed as a marijuana microbusiness under the MRTMA.
- (j) *MMMA* means the Michigan medical marihuana act, 2008 IL 1, as amended MCL 333.26424 *et seq.*
- (k) *MMMFLA* means the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (l) *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended MCL 333.27951 *et seq.*
- (m) *Prequalification step* means the portion of the application for a state operating license under the MMMFLA or MRTMA pertaining to the applicant’s financial background and the criminal history of the applicant and other associated persons.

- (n) *Processor* means a business licensed as a processor under either the MMMFLA, the MRTMA, or both.
- (o) *Provisioning center* means a business licensed as a provisioning center under the MMMFLA. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through LARA's marijuana registration process in accordance with the MMMA is not a provisioning center for purposes of this section.
- (p) *Retailer* means a person licensed under the MRTMA 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.
- (q) *Safety compliance business* means a person licensed as a safety compliance facility under the MMMFLA, the MRTMA, or both.
- (r) *Secure transporter* means a person licensed as a secured transporter under the MMMFLA, the MRTMA, or both.
- (s) *Stacked grower licenses* means two or more grower licenses issued to a single person to *under the MMMFLA or MRTMA*.
- (t) *State operating license or license* means a license that is issued under the MMMFLA or MRTMA to operate as a grower, processor, secure transporter, provisioning center, retailer, safety compliance facility, or microbusiness.
- (u) *Temporary marijuana event* means an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on a state operating license issued under the MRTMA during the specified dates.

Division 2 - Permanent Business Types

Sec. 31-2. Authorization Required.

- (a) The following marijuana businesses may be authorized to operate in the City of Allegan pursuant to this division: growers, excess growers, microbusinesses, processors, provisioning centers, retailers, safety compliance facilities, and secure transporters. Designated consumption facilities are prohibited in the City.
- (b) No business listed in subsection (a) may operate in the City of Allegan without a final authorization granted by the City Clerk pursuant to Section 31-3. A proposed business is not eligible for a state operating license until the clerk grants final authorization.

Sec. 31-3. Application Process.

- (a) *Submission.* A person may apply for authorization to operate a marijuana business listed subsection (a) within the City by submitting the following items to the City on a standardized application form prepared by the City Clerk. These items may be submitted to the Clerk before applying for requisite zoning approvals:
 - (1) A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for a state operating license.
 - (2) A signed statement from the applicant indicating:
 - (A) The current property owner of record for the proposed business location;
 - (B) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's. Only one application shall be submitted per property. Co-located businesses may be requested on a single application;
 - (C) The address, tax identification number, and zoning designation of the proposed business

location;

- (D) The type or types of state operating licenses that the applicant is seeking at the proposed business location (*e.g.*, medical grower, adult-use grower, provisioning center, etc.); and
 - (E) If the proposed business involves stacked grower licenses, the number of licenses sought; and
- (3) An advance of the annual administrative fee established in Section 31-5(d).
- (b) *Initial receipt period set by resolution.* For provisioning centers, retailers, and microbusinesses, the City shall establish, by resolution, an initial application receipt period at least 1 month in length.
- (c) *Clerk action upon receipt.* The city clerk will accept and receive any application that includes the required items listed above, unless the city has already received an application for the same location (other than an application for a proposed co-located business) from another applicant. Upon receiving a complete application, the clerk will time- and date-stamp the application and inform the applicant of the date, time, and location of any drawing that may be conducted pursuant to subsections (d) and (e).
- (d) *Conditional authorization.* The city clerk will conditionally authorize applications as follows:
- (1) If, after close of business on the end date of the initial receipt period, the City has received complete applications for 2 or more locations proposed as provisioning centers, retailers, or microbusinesses such that, if all were granted, there would be a violation of the 1,000-foot separation requirement in Section 1707.33 of the zoning ordinance, the clerk will conduct a drawing or drawings to randomly select one or more of those applications for conditional authorization. The drawings shall be conducted in accordance with subsection (e) below.
 - (2) After the initial receipt period is over, the clerk will continue to accept complete applications for provisioning centers, retailers, or microbusinesses and will conditionally authorize such applications if the proposed location is not within 1,000 feet of the location proposed in an application that has already been conditionally authorized.
 - (3) For any business type other than provisioning centers, retailers, or microbusinesses, the clerk will conditionally authorize complete applications upon receipt.
- (e) *Drawing procedure.* The drawings described in subsection (d)(1) will be noticed and conducted as a public meeting. The first drawing shall include all applications with proposed locations that are within 1,000 feet of a location proposed in another application, and will randomly select one of all such applications for conditional authorization. Any application with a proposed location within 1,000 feet of the location proposed in the selected application will then be eliminated from contention. If there are any applications remaining in contention following this elimination procedure, an additional drawing will then be conducted. This process will continue until there are no remaining applications in contention. For purposes of the drawing, proposed co-located businesses shall be given a single entry in each drawing.
- (f) *Final authorization.* The Clerk will grant final authorization for the business if the conditionally authorized applicant:
- (1) Obtains all required zoning approvals for the business within 12 months of receiving conditional authorization; and
 - (2) Obtains the requisite state operating license within 18 months of receiving conditional authorization.
- (g) *Expiration of conditional authorization.* If the applicant for a conditionally authorized business fails to satisfy any of the deadlines established above, the conditional authorization will expire.

Sec. 31-4. Relocation of Businesses, Transfers of Licenses, and Expansion of Grow Operations.

- (a) An existing business may be moved to a new location in the City, subject to applicable zoning regulations and required approvals by LARA.
- (b) A license for an existing business may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by LARA.
- (c) No further City approvals are required for the relocations and license transfers described in this section.
- (d) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to Class C, or from Class C to excess grower), or by obtaining a stacked license. To do so, the licensee must submit a new application to the City satisfying the requirements in Section 31-3(a), which shall include payment of any additional annual administrative fee that will be owed due to the addition of stacked licenses. The application shall be conditionally approved upon receipt of all required materials.

Sec. 31-5. General Regulations

- (a) *Submission of supplementary information to the City.* Applicants who have received conditional authorization and licensees operating in the City must provide the Clerk with copies of all documents submitted to LARA in connection with the license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the Clerk within 7 days of submission to LARA, and may be submitted by electronic media unless otherwise requested by the Clerk.
- (b) *Compliance with applicable laws and regulations.* Marijuana businesses must be operated in compliance with the MMMFLA and/or MRTMA, as applicable, all applicable rules promulgated by LARA, all conditions of the business's state operating licenses, and all applicable ordinances and codes, including the City's zoning ordinance. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marijuana shall take place on or within the premises of any marijuana business approved under this division, except for designated marijuana consumption establishments. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marijuana on or within a premises in violation of this section:
 - (1) The person had control over the premises or the portion of the premises where the marijuana was consumed;
 - (2) The person knew or reasonably should have known that the marijuana was consumed; and
 - (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay an annual fee, set by resolution of the City Council, for each license used within the City in order to help defray administrative and enforcement costs. The initial annual fee(s) must be paid to the Clerk when the application for approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

Sec. 31-6. Violations and penalties.

- (a) *Request for revocation of state operating license.* If at any time an authorized business violates this chapter or any other applicable ordinance, the City may request that LARA revoke or refrain from renewing the business's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction and a nuisance per se. Each day

the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to a fine of up to \$500.

(c) *Other remedies.* The foregoing sanctions are in addition to the City’s right to seek other appropriate and proper remedies, including actions in law or equity.

Division 3 - Temporary Marijuana Events

Sec. 31-10. Temporary marijuana events prohibited.

Temporary marijuana events are prohibited in the City.

Section 2. Publication and Effective Date. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the Allegan City Council held on _____, 2020.

Traci Perrigo, Mayor

Christopher Tapper, Clerk

