

**CITY OF WHITE CLOUD  
NEWAYGO COUNTY, MICHIGAN  
Ordinance No. 2017-27**

At a regular meeting of the City Council for the City of White Cloud held at City Hall on November 6, 2017 following Ordinance was offered for adoption by City Council Member Dault and was seconded by City Council Member Priest:

**AN ORDINANCE REGARDING THE REGULATION OF  
MEDICAL MARIHUANA, MEDICAL MARIHUANA  
DISPENSARIES, AND RELATED USES AND ACTIVITIES**

THE CITY OF WHITE CLOUD (“City”) ORDAINS:

**Section 1: Chapter 155: MEDICAL MARIJUANA LICENSES FOR MEDICAL  
MARIJUANA FACILITIES**

- 155.01 - Intent.
- 155.02 - Definitions.
- 155.03 - License required, eligibility.
- 155.04 - General provisions, number of licenses available.
- 155.05 - Application requirements for new annual license or renewal of existing license; license requirements for new license and for renewed license.
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- 155.08 - Prohibited acts.
- 155.09 - License revocation.
- 155.10 - Notice and public hearing.
- 155.11 - Revocation not exclusive penalty.

**Section 155.01 - Intent.**

It is the intent of this Ordinance to authorize the establishment of certain types of medical marijuana facilities in the City of White Cloud, and to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the City of White Cloud through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

The City of White Cloud does not intend that licensing and regulation under this Ordinance be construed as a finding that such businesses are legal under state or federal law. Although some specific uses of marijuana are allowed by the Michigan Medical Marihuana Act, marijuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense marijuana, or to possess it with intent to manufacture, distribute, or dispense. By requiring a license and compliance with requirements as provided in this Ordinance, the City of White Cloud intends to protect to the extent possible the public health, safety and welfare of the residents of and visitors to the City of

White Cloud, including but not limited to registered qualifying patients, from harm that may result from the activities of persons who unilaterally or on the advice of their own attorney determine that they may legally operate a medical marijuana facility.

Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*; the Marihuana Tracking Act, MCL 333.27901 *et seq.*; and all other applicable rules promulgated by the state of Michigan. As of the effective date of this Ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*, which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under federal laws.

### **Section 155.02 - Definitions.**

The following words and phrases shall have the following definitions when used in this Ordinance.

a) **Words and Phrases Contained in the Michigan Medical Marihuana Act (“MMMA”)**, MCL 333.26421, *et seq.*, as amended by Michigan P.A. 281, 282 and 283 of 2016. This Section contains some words and phrases that are defined in the MMMA. As used in this section, they have the same meaning as provided in the MMMA, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the MMMA, then the definition in the MMMA shall apply. These words and phrases are as follows:

"Authorized person" means:

- (a) an owner of a medical marijuana facility;
- (b) the directors, officers, members, partners, and individuals of a medical marijuana dispensary that is a corporation, limited liability company, partnership, or sole proprietorship; or
- (c) any person who is in charge of and on the premises of the medical marijuana facility during business hours.

“Department” means the Michigan Department of Community Health, or its successor agency.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

“Licensee” means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

"Marijuana" or “marihuana” means that term as defined in the Public Health Code, MCL 333.1101 *et seq.*; the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*; and the Marihuana Tracking Act, MCL 333.27901 *et seq.* Marijuana means “marihuana” as used in the MMMA.

“Medical marijuana facility” means an enterprise, business or use at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 *et seq.*, including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421 *et seq.*, or medical marijuana home occupations or a dwelling unit in which marijuana is being cultivated for a qualifying patient who resides in the dwelling unit as permitted under subsection (7) of the City of White Cloud Zoning Ordinance.

“Medical marijuana home occupation” means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (a) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (b) is for the purpose of assisting one or more registered qualifying patients with the medical use of marijuana who do not reside in the dwelling and (c) complies with the MMMA.

“Medical marijuana provisioning center” means a building or part of a building where one or more primary caregivers operate with the intent to transfer marijuana between primary caregivers and/or qualifying patients, other than a medical marijuana home occupation or a dwelling unit in which the transfer of marijuana occurs between a primary caregiver and qualifying patient who resides in the dwelling unit.

“Medical use” means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition.

“Primary caregiver” means a person who is at least 21 years old and who has agreed to assist with a patient’s medical use of marijuana and who has never been convicted of a felony involving illegal drugs.

“Michigan Medical Marijuana Act” and “MMMA” mean the Michigan Medical Marijuana Act, MCL 333.26421 *et seq.*, as amended.

“Outdoor production” means growing medical marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

“Processor” means a licensee that is a commercial entity located in this state that purchases medical marijuana from a grower and that extracts resin from the medical marijuana or creates a medical marijuana-infused product for sale and transfer in packaged form to a provisioning center.

“Provisioning center” means a licensee that is a commercial entity located in this state that purchases medical marijuana from a grower or processor and sells, supplies, or provides medical marijuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning center includes any commercial property where medical

marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, is not a medical marijuana provisioning center for purposes of this Ordinance.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

"Registry identification card" means a document issued by the Department that identifies a person as a registered qualifying patient or registered primary caregiver.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores medical marihuana and transports medical marihuana between medical marihuana facilities for a fee.

#### **Section 155.03 - License required, eligibility.**

- (1) No person shall operate a medical marijuana facility at a location for which an annual license as provided for in this Ordinance has not been issued by the City.
- (2) A medical marijuana facility shall not be eligible for a license if any person required under this Ordinance to be named on the application has ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101, *et seq.*, the federal law, or the law of any other state.
- (3) The license requirement in this Ordinance applies to all medical marijuana facilities that exist on the effective date of this Ordinance or are established after the effective date of this Ordinance.
- (4) The license requirement set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state or local law.
- (5) The issuance of any license pursuant to this Ordinance does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana.
- (6) The White Cloud City Council will establish a Medical Marijuana Licensing Board ("Board") to consist of one (1) member of the City Council, one (1) licensed medical professional, and three (3) other City of White Cloud residents, with the members being Mayoral appointments as approved by the City Council. The Board shall annually send to the City Council a proposed resolution recommending either approval or rejection of each complete license application. A recommended resolution may set conditions for approval. The determination of City Council as to each such application shall be final. The Board will annually review and recommend the licensing criteria, the number of licenses authorized, the license fee structure taking into consideration recommendations from staff, and recommend approval or

denial of license applications. While a medical marijuana facility shall not be eligible for a license if any person required under this Ordinance to be named on the application has been convicted of a felony involving controlled substances, evidence that a person required under this Ordinance to be named on the application has been convicted of any other type of felony, under the law of Michigan, the United States, or another state, may be used by the Board in its determination of whether or not to recommend the issuance of a license to the applicant. Among other things, the board shall consider whether the substance of the office would tend to indicate a likelihood that the person would be unable to serve in a fair, honest and open manner or to dispense, cultivate marijuana in compliance with eh MMA, whether there is evidence that the person has been rehabilitated, and the age of the conviction.

(7) A license issued under this Ordinance shall expire one (1) year after the date of issuance. To renew an existing license, the licensee shall submit an application in the same manner as is required to apply for a new license no sooner than ninety (90) days before expiration and no later than sixty (60) days before the expiration date.

(8) Medical marijuana home occupations do not require licenses.

**Section 155.04 - General provisions, number of licenses available.**

(1) The maximum number of each type of marijuana facility allowed in the City of White Cloud shall be as follows. Note that if allowed by City regulations and Michigan law and associated administrative rules, a single medical marijuana facility may contain one or more of the following commercial operations, in any combination. In accordance with Michigan rules, the co-location or “stacking” of licensed Class C medical marijuana growing operations within the same building is allowed.

<u>Facility</u>	<u>Number</u>
Grower	[unlimited]
Processor	[6]
Secure transporter	[2]
Provisioning center	[1]
Safety compliance facility	[2]

(2) At least every five (5) years after adoption of this Ordinance, the City of White Cloud Council shall review the maximum number of each type of marijuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the City Council.

(3) A nonrefundable fee shall be paid by each marijuana facility licensed under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the City of White Cloud Council.

(4) Except as otherwise provided for the amendment of existing licenses, no license issued under this Ordinance may be transferred or assigned, and no license is valid for any location other than the location specified in the license.

- (5) A medical marijuana facility license issued by the City of White Cloud under this Ordinance, including the name and contact information for an authorized person and business manager(s), if any, shall be conspicuously posted in the medical marijuana dispensary where it is easily open to public view.
- (6) Acceptance of a license from the City of White Cloud under this Ordinance constitutes consent by the licensee and its owners, managers and employees, to permit the City Manager/Clerk or designee and any MCOLES certified and licensed member of the White Cloud Police Department to conduct inspections of the licensed medical marijuana dispensary to ensure compliance with this Ordinance.

**Section 155.05 - Application requirements for new annual license or renewal of existing license; license requirements for new license and for renewed license.**

(1) *Application Submission.* An application for a medical marijuana facility shall be for a location in a zoning district where operation of such a facility is permitted under the City of White Cloud Zoning Ordinance. A medical marijuana facility that commenced operation prior to passage of this Ordinance by the White Cloud City Council on November 6, 2017 and/or located in a zoning district where its operation is not permitted under this Ordinance, must apply for a license in compliance with this Ordinance and a zoning permit in compliance with the Zoning Ordinance. A lawful medical marijuana facility may continue to operate pending final action on an application or application renewal unless the Zoning Administrator determines that it must be closed for safety reasons. Within sixty (60) days after an application is denied, the medical marijuana dispensary shall discontinue all operations unless the Zoning Administrator determines that it must be closed sooner for safety reasons.

(2) *Application Requirements for New Licensee.* An application for a new annual license for a medical marijuana facility shall be submitted to the City Manager/Clerk on a form provided by the City of White Cloud for preliminary review by the Zoning Administrator to confirm that the applicant has submitted a complete application, which shall fulfill all of the requirements indicated on the form, including but not limited to:

- (a) If the medical marijuana facility commenced operation prior to December 15, 2017, then proof of the date on which the medical marijuana facility commenced operation shall be provided to the City.
- (b) The name and address of the medical marijuana facility and any other contact information requested on the application form.
- (c) The name and address of all owners of the real property where the medical marijuana facility is located, if not the same.
- (d) Name, street address, and other contact information of all owners of the medical marijuana facility and, if the owner is a corporation, limited liability company, partnership, or sole proprietor with an assumed name, of all directors, officers, members, partners, and individuals, all of whom are considered collectively to be the applicant for the license.
- (e) Name, street address, and other contact information of all business managers.

(f) A statement with respect to each person named on the application regarding whether the person has:

(i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101, *et seq.*, the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted; and

(ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.

(g) Proof of the applicant's ownership or legal possession of the premises.

(h) A zoning compliance permit that shows the proposed medical marijuana facility is located in a zoning district that would permit its operation.

(i) A temporary certificate of occupancy that shows the structure for the proposed medical marijuana facility meets the requirements of the applicable use group under the Michigan Building Code.

(j) Payment of a non-refundable application fee, which shall be determined by resolution of the White Cloud City Council. Fees for zoning compliance permits and certificates of occupancy shall be separate from the application fee, and shall be paid pursuant to the same procedures as applied to applications for zoning compliance permits and certificates of occupancy for other uses.

*(3) Renewal or Amendment of Existing Licenses.*

(a) The same procedures for application for and issuance of a new license shall apply to renewal or the amendment of existing licenses.

(b) An application for renewal of an existing license shall be submitted no sooner than ten (10) weeks (i.e., 70 days) before the existing license expires.

(c) An amended application shall be submitted when there is a change in any information the applicant was required to provide in the most recent application on file with the City of White Cloud.

(d) An application to amend an existing license to change the location of the medical marijuana dispensary shall be submitted no later than ten (10) weeks (i.e., 70 days) before the existing license expires. An application to amend an existing license to change any other information on the most recent application on file with the City of White Cloud may be submitted at any time.

(e) Applications for renewal or amendment of existing licenses shall be reviewed and granted or denied before applications for new licenses are considered.

*(4) License Requirements.* Following official confirmation by City staff that the applicant has submitted a complete application, a new license shall not be issued to a medical marijuana facility until the applicant for the license complies with all of the following requirements:

(a) The applicant has a valid and current certificate of occupancy.

(b) The applicant has installed a sign in a location visible to all persons who enter the premises, which contains the following statement in letters that shall be no less than 1-inch high: THE MICHIGAN MEDICAL MARIHUANA ACT ACKNOWLEDGES THAT "ALTHOUGH FEDERAL LAW CURRENTLY PROHIBITS ANY USE OF MARIHUANA EXCEPT UNDER VERY LIMITED CIRCUMSTANCES, STATES ARE NOT REQUIRED TO ENFORCE FEDERAL LAW OR PROSECUTE PEOPLE FOR ENGAGING IN ACTIVITIES PROHIBITED BY FEDERAL LAW. THE LAWS OF ALASKA, CALIFORNIA, COLORADO, HAWAII, MAINE, MONTANA, NEVADA, NEW MEXICO, OREGON, VERMONT, RHODE ISLAND, AND WASHINGTON DO NOT PENALIZE THE MEDICAL USE AND CULTIVATION OF MARIHUANA. MICHIGAN JOINS IN THIS EFFORT FOR THE HEALTH AND WEALTH OF ITS CITIZENS." SEE, MCL 333.26422(c). IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONSULT WITH YOUR ATTORNEY.

(c) The applicant has installed all of the following security measures on the premises:

(i) Security cameras to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marijuana or cash. Recordings from security cameras shall be maintained for a minimum of thirty (30) days. The White Cloud City Council may adopt regulations implementing this requirement, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings. Those regulations shall take effect thirty (30) days after being filed with the City Manager/Clerk.

(ii) A safe for overnight storage of any processed marijuana and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.

(iii) A monitored alarm system.

(iv) Fencing. Secured fencing with locking gate(s) shall be installed and maintained surrounding medical marijuana facilities, and shall comply with Section 3.15(C) of Chapter 3 of the City of White Cloud zoning ordinance.

(d) The applicant provides the City of White Cloud with a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective insurance policies of the following types of insurance, as well as a copy of an endorsement placed on each policy requiring ten (10) days' prior written notice by mail to the City of White Cloud before the insurer may cancel the policy for any reason:

(i) Workers' compensation insurance in accordance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000.00 each accident for any employee.

(ii) Public liability and personal injury insurance with minimum limits of \$500,000.00.00 for each occurrence as respect to bodily injury liability or property damage liability, or both combined. Documentation must explicitly state the following: (a) the policy number; (b) name of insurance company; (c) name and address of the agent or authorized representative; (d) name and address of the insured; (e) location of coverage; (f) policy expiration dates; and (g) specific coverage amounts. An original certificate of insurance may be provided as an



initial indication of the required insurance. The applicant shall be required to continue without interruption during the term of the license the above named insurance coverage. If any of the above coverage's expires by their terms during the term of a license, the Applicant shall deliver proof of renewal and/or new policies to the City Manager/Clerk at least ten (10) days prior to the expiration date.

Insurance companies, named insured and policy forms may be subject to the approval of the City Attorney, within five (5) business days. Insurance policies shall not contain endorsements or policy conditions, which reduce coverage required under the terms of the license.

(e) The applicant has paid the non-renewable license fee, as determined by resolution of the White Cloud City Council. Inspection fees shall be separate from the license fee, and shall be paid pursuant to the same procedures that apply to inspections for other uses.

(5) Time period within which applicant must comply with license requirements. The applicant shall demonstrate compliance with all requirements for issuance of a license by scheduling a final inspection to obtain a full certificate of occupancy, which shall occur within eight (8) weeks (i.e., 56 calendar days) after the date of the Zoning Administrator's official confirmation that the application for a license was complete. All City staff involved in to determining whether the applicant has complied with all license requirements will be present at the final inspection. If it is determined that not all license requirements are satisfied, then the applicant shall schedule another inspection, to occur within fourteen (14) calendar days, at which time all license requirements shall be complete. If all requirements are not complete, then the license shall be denied.

#### **Section 155.06 - Issuance of license.**

If the applicant has successfully demonstrated compliance with all requirements for the issuance of a license within ten (10) weeks (i.e., 70 calendar days) after the date of City of White Cloud staff's official confirmation that the application for a license was complete, the City Manager/Clerk or designee shall grant renewal of an existing license or issue a new license for a medical marijuana dispensary to the applicant if a license is available. An applicant who fails to demonstrate compliance with all requirements within the required time period or who is found to have submitted an application that contains any false or incomplete information is not eligible for issuance of a license.

#### **Section 155.07 - Conduct of business at medical marijuana facilities.**

(1) All marijuana in any form kept at a medical marijuana facility shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.

(2) Medical marijuana dispensaries shall be closed for business, and no sale or other distribution of marijuana in any form shall occur upon the premises or be delivered from the premises, between the hours of 9:00 p.m. and 9:00 a.m.

(3) No more marijuana than is permitted under the MMMA shall be kept on the premises of a medical marijuana facility.

(4) All marijuana delivered to a registered qualifying patient shall be packaged and labeled as provided in this Ordinance. The label shall include:

- (a) a unique alphanumeric identifier for the person to whom it is being delivered;
- (b) a unique alphanumeric identifier for the registered primary caregiver who is delivering;
- (c) a unique alphanumeric identifier for the medical marijuana cultivation source of the marijuana;
- (d) that the package contains marijuana;
- (e) the date of delivery, weight, type of marijuana;
- (f) a certification that all marijuana in any form contained in the package was cultivated, manufactured, and packaged in the State of Michigan;
- (g) the warning that:

THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES NOT COMPLY WITH THE MICHIGAN MEDICAL MARIHUANA ACT OR BY ANY PERSON WHO DOES NOT POSSESS A VALID REGISTRY IDENTIFICATION CARD.

(h) The name of an authorized representative of the medical marijuana dispensary whom a registered qualifying patient can contact with any questions regarding the product and address, e-mail address, and telephone number of the medical marijuana facility, and

(i) The name, address, e-mail address, and telephone number of at least one (1) governmental or non-profit organization that may be contacted by a registered qualifying patient who has concerns about substance abuse of drugs, including marijuana.

(5) All of the required labeling information, including coded registered qualifying patient information, shall be maintained by a medical marijuana facility for not less than thirty (30) days after dispensing, and made available to any registered qualifying patient complaining of the quality of the medical marijuana dispensed.

(6) A medical marijuana facilities shall report all criminal activities to the City of White Cloud Police Department immediately upon discovery.

(7) An authorized person shall consent to the immediate entry into a Medical Marijuana facility by any MCOLES certified and licensed member of the White Cloud Police Department, Zoning Administrator, and/or designee of the City Manager for the purposes of inspection to determine compliance with this Ordinance upon having evidence of an emergency or being in possession of evidence of a regulatory violation.

(8) All security measures required in this Ordinance shall be maintained in good working order. The premises shall be monitored and secured twenty-four (24) hours per day.

(9) All marijuana in any form provided to registered qualifying patients at or by a medical marijuana provisioning center shall have been grown, cultivated, manufactured, processed, and packaged in the State of Michigan.

(10) Every medical marijuana dispensary shall keep records of the cultivation source from whom it received marijuana in any form for not less than sixty (60) days after dispensing, and shall make the records available to the City of White Cloud upon request to promote the health, safety and welfare or to otherwise verify compliance with this Ordinance.

**Section 155.08 - Prohibited acts.**

It shall be unlawful for any person to:

(a) Violate any provision of this Ordinance or any condition of an approval or license granted pursuant to this Ordinance.

(b) Produce, distribute or possess more medical marijuana than allowed by any applicable state or local law.

(c) Produce, distribute or possess medical marijuana in violation of this Ordinance or any other applicable state or local law.

(d) Make any changes or allow any changes to be made in the operation of a medical marijuana provisioning center as represented in the license application, without first notifying the City of White Cloud by amending its application.

(e) Make any changes or allow any changes to be made to the structure or organization by which the business operates without applying for and being issued before the appropriate permits and obtaining final inspection approval.

**Section 155.09 - License revocation.**

A license issued under this Ordinance may be suspended or revoked by the City Council for any of the following violations:

(1) Any person required to be named on the application of the license is convicted of or found responsible for violating any provision of this Ordinance;

(2) The application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the City of White Cloud with any other false or misleading information related to the medical marijuana dispensary;

(3) Any person required to be named on the application is convicted of a crime, which, if it had occurred prior to submittal of the application, could have been cause for denial of the license application;

(4) Marijuana is dispensed on the business premises in violation of this Ordinance or any other applicable state or local law, rule or regulation;

(5) The medical marijuana dispensary is operated or is operating in violation of the specifications of the license application, any conditions of approval by the City Council, any

provisions of this Chapter or City ordinance or any other applicable state or local law, rule or regulation;

(6) The City of White Cloud, or the county or the department or any other governmental entity with jurisdiction, has closed the business temporarily or permanently or issued any sanction for failure to comply with the health and safety provisions of this Ordinance or otherwise applicable to the business or any other applicable state or local law; or

(7) The medical marijuana dispensary is determined by the City Council to have become a public nuisance.

#### **Section 155.10 - Notice and public hearing.**

A public hearing shall be held prior to City Council approval, denial or revocation of a license application or license under this Ordinance.

(1) The notice of public hearing shall be published once at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the City.

(2) A notice of a public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons at least 15 days prior to the date of the public hearing:

- a. The applicant;
- b. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is subject to the application; and
- c. All known neighborhood organizations, public utility companies, railroads, and other persons that have requested to receive notice.

If the above-described 300-foot radius extends outside the City's boundaries, then notice must also be provided outside of the city boundaries, within the 300-foot radius, to all persons the above-state categories.

(3) The notice of public hearing shall include the following information:

- a. A description of the application or license to be revoked.
- b. An identification of the property that is subject of the application.
- c. A statement of where and when the application will be considered.
- d. Indicate where and when written comments will be received concerning the application, request or revocation.

#### **Section 155.11 - Revocation not exclusive penalty.**

Nothing in this Ordinance shall be deemed to prohibit the City Manager/Clerk or designee from imposing other penalties besides or in addition to a license revocation as authorized by this code or other ordinance of the City, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

*Section 2. Publication and Effective Date*

This Section shall be published in the manner as required by law. Except as otherwise provide by law, this Section shall be effective on the day after its final publication.

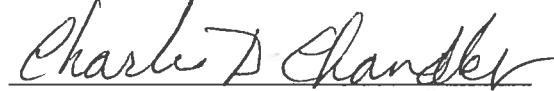
The vote in favor of this Ordinance was as follows:

YEAS: Dault, Priest, Chandler, Rickert and Scott

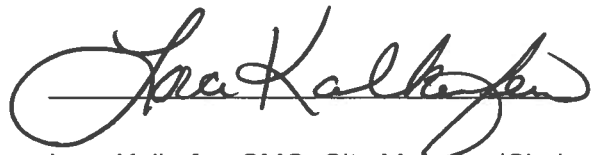
NAYS: Becker

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.



Charles Chandler, Mayor



Lora Kalkofen CMC, City Manager/Clerk

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the City Council of White Cloud, Newaygo County, Michigan, at a meeting of the Board duly called and held on November 6, 2017.

CITY OF WHITE CLOUD

By:



Charles Chandler, Mayor



Lora Kalkofen, City Manager/Clerk

First Reading: October 2, 2017

Second Reading: October 16, 2017

Adopted: November 6, 2017

Published and Effective November 15, 2017 (upon publication)