

VILLAGE OF STEVENSVILLE  
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 110922-1

**AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE VI OF THE CODE OF ORDINANCES, VILLAGE OF STEVENSVILLE, MICHIGAN, TO ALLOW MARIJUANA RETAILERS OPERATED IN ACCORDANCE WITH STATE LAW AND THE VILLAGE'S ZONING ORDINANCE AND TO PROVIDE PENALTIES FOR VIOLATIONS**

The Village of Stevensville Ordains:

Section 1. Amendment. Chapter 8, Article VI, of the Code of Ordinances, Village of Stevensville, Michigan, is hereby renamed "Marijuana Retailers" and shall read in its entirety as follows:

**Article VI - Marijuana Retailers**  
**Division 1 - General**

**Sec. 8-180. Title.**

This article shall be known as and may be cited as the Village of Stevensville Marijuana Retailer Ordinance.

**Sec 8-181. Definitions.**

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

- (a) *Designated consumption establishment* means a business licensed as a designated consumption facility under the MRTMA.
- (b) *Excess marijuana grower* means a business licensed as an excess marijuana grower under the MRTMA.
- (c) *Grower* means a business licensed as a grower under either the MMMFLA, the MRTMA, or both.
- (d) *LARA* means the Department of Licensing and Regulatory Affairs and any successor agency to the department.
- (e) *Marijuana* means the same thing as "marihuana" as defined in the MRTMA.
- (f) *Marijuana business* or *business* is a business involving one or more licenses issued under the MMMFLA, the MRTMA, or both.
- (g) *Microbusiness* means a business a business licensed as a marijuana microbusiness under the MRTMA.
- (h) *MMMA* means the Michigan medical marihuana act, 2008 IL 1, as amended MCL 333.26424 *et seq.*
- (i) *MMMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (j) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended MCL 333.27951 *et seq.*
- (k) *Prequalification step* means the portion of the application for a state operating license under the MRTMA pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons.
- (l) *Processor* means a business licensed as a processor under either the MMMFLA, the MRTMA, or both.

- (m) *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.
- (n) *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.
- (o) *Safety compliance business* means a person licensed as a safety compliance facility under the MMMFLA, the MRTMA, or both.
- (p) *Secure transporter establishment* means the physical location operated by a person licensed as a secured transporter under the MMMFLA, the MRTMA, or both.
- (q) *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.
- (r) *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. 8-182. Authorization required.**

- (a) Marijuana retailers may be authorized to operate in the Village pursuant to this division. Growers, excess growers, microbusinesses, processors, provisioning centers, safety compliance facilities, and secure transporter establishments are prohibited in the Village.
- (b) A proposed business is not eligible for a state operating license until the Village Clerk grants conditional authorization pursuant to Section 8-183(d).
- (c) No marijuana retailer may operate in the Village unless and until such business obtains a final authorization granted by the Village Clerk pursuant to Section 8-183, after receiving requisite zoning approvals and a state operating license.

### **Sec. 8-183. Application process.**

- (a) *Submission.* A person may apply for authorization to operate a marijuana retailer within the Village by submitting the following items to the Village on a standardized application form prepared by the Village Clerk. These items may be submitted to the Village 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; and
    - (C) The address, tax identification number, and zoning designation of the proposed business location.
  - (3) An advance of the annual administrative fee established in Section 8-185(e).

- (b) *Initial receipt period set by resolution.* The Village Council shall establish, by resolution, an initial application receipt period at least 1 month in length.
- (c) *Action by Village Clerk upon receipt.* The Village Clerk will accept and receive any application that includes the required items listed above, unless the Village has already received an application for the same location from another applicant. Upon receiving a complete application, the Village 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 Village Clerk will conditionally authorize applications as follows:
- (1) If, after close of business on the end date of the initial receipt period, the Village has received complete applications for 2 or more proposed retailers such that, if all were granted, there would be a violation of the 2,500-foot separation requirement in Section 14.04.15 of the zoning ordinance, the Village 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. Additionally, any application received during the initial receipt period for a proposed retailer not within 2,500 feet of another proposed retailer shall be conditionally authorized immediately following the initial receipt period. The Village will reimburse the advance of the annual administrative fee paid by any applicant that is not selected in the drawing process.
  - (2) After the initial receipt period, the Village Clerk will continue to accept complete applications for retailers and will conditionally authorize such application if the proposed location is not within 2,500 feet of another retailer that is either in operation or that has received conditional authorization and is actively pursuing steps needed to become operative.
- (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 2,500 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 2,500 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.
- (f) *Final authorization.* The Village 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, including a special land use permit and sign permits for all signs depicted on the approved site plan for the establishment; and
  - (2) Obtains the requisite state operating license within 18 months of receiving conditional authorization.
- (g) *Expiration or withdrawal of conditional authorization.*
- (1) If the applicant for a conditionally authorized business fails to satisfy any of the deadlines established above in subsection (f), the conditional authorization will expire. Notwithstanding the foregoing, the Village Council may, by resolution, grant a 3-month extension to either deadline if the applicant demonstrates to the satisfaction of the Village Council that there is good cause for doing so.
  - (2) A conditionally authorized business may withdraw its pending application at any time by sending a written notice to the Village Clerk.
  - (3) Upon the expiration or withdrawal of a conditionally authorized application, the advance of the annual administrative fee will not be returned to the conditionally authorized business.

- (4) Whenever a conditional authorization that was issued through the drawing process in subsection (d)(1) expires or is withdrawn by the applicant, the Village shall:
- (A) Notify all applicants whose applications were eliminated from the drawing by the selection of the expired or withdrawn application.
  - (B) Post a public notice that the application has expired or has been withdrawn at Village Hall and on the Village's website.
  - (C) For 45 days following the expiration of the application, process any application for a proposed retailer located within 2,500 feet of the location that was the subject to the expired or withdrawn application in the same manner as applications received during the initial receipt period. In other words, the Village Clerk shall conduct an additional drawing to the extent necessary to select between applications received during the 45-day period that, if simultaneously granted, would result in a violation of the 2,500-foot separation requirement in Section 14.04.15 of the zoning ordinance.

**Sec. 8-184. Relocation of Businesses and Transfers of Licenses**

- (a) An existing business may be moved to a new location in the Village, 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 Village approvals are required for the relocations and license transfers described in this section.

**Sec. 8-185. General Regulations**

- (a) *Submission of supplementary information to the Village.* Applicants who have received conditional authorization or are operating in the Village must provide the Village 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 Village within 7 days of submission to LARA, and may be submitted by electronic media unless otherwise requested by the Village Clerk.
- (b) *Compliance with applicable laws and regulations.* Marijuana businesses must be operated in compliance with the MRTMA, all applicable rules promulgated by LARA, all conditions of the business's state operating license, and all applicable ordinances and codes, including the Village'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 or consumption of alcohol shall take place on or within the premises of any marijuana business approved under this division. 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 or alcohol 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 or alcohol was consumed;
  - (2) The person knew or reasonably should have known that the marijuana or alcohol was consumed; and
  - (3) The person failed to take corrective action.
- (d) *No sale of food.* Marijuana retailers shall not sell food, other than marijuana-infused products, to patrons.

- (e) *Annual fee.* A licensee must pay a fee an annual fee, set by resolution of the Village Council, for each license used within the Village in order to help defray administrative and enforcement costs. The initial annual fee must be paid to the Village 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. 8-186. 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 Village 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 Village's right to seek other appropriate and proper remedies, including actions in law or equity.

**Division 3 - Temporary Marijuana Events**

**Sec. 8-187. Temporary marijuana events prohibited.**

Temporary marijuana events are prohibited in the Village.

Section 2. Effective Date. This ordinance shall become effective either 20 days after adoption or upon publication, whichever occurs later.

YEAS: Leggett, Mason, Patterson, Wenger  
NAYS: Steinberger  
ABSTAIN: None  
ABSENT: None

**CERTIFICATION**

As the duly appointed Clerk of the Village of Stevensville, Berrien County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Stevensville Village Council at its meeting of November 9, 2022.

Kelly Vaughn  
Kelly Vaughn, Village Clerk

Adopted: November 9, 2022  
Published: November 17, 2022  
Effective: November 29, 2022