

**ORDINANCE #2019-08  
CITY OF VASSAR  
COUNTY OF TUSCOLA, MICHIGAN**

An ordinance to amend the City of Vassar Code Section 50.2 to provide for the licensing and regulation of marihuana businesses within the City of Vassar in conformance with and under the authority of the Michigan Medical Marihuana Act of 2008, MCL 333.26421, et seq., the Michigan Medical Marihuana Facilities Licensing Act of 2016, MCL 333.26421, et seq., and the Michigan Regulation and Taxation of Marihuana Act of 2018, MCL 333.27951, et. seq., as amended.

The City of Vassar hereby ordains:

**Section 1: Title**

This Ordinance shall be known and may be cited as the City of Vassar Uniform Marihuana Ordinance.

**Section 2: Purpose and Legislative Intent**

- A. It is the intent of this Ordinance to authorize the establishment of and regulate to the extent permissible under state law certain types of Marihuana Businesses in the City of Vassar and 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 marihuana facility in the City of Vassar through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each Marihuana Business License.
- B. It is further the intent of this Ordinance to coordinate with laws and regulations that may be enacted by the State of Michigan addressing Marihuana Businesses and restrict the issuance of Marihuana Business Licenses only to individuals and entities that demonstrate an intent and ability to comply with this Ordinance and the laws of the State of Michigan.
- C. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under State law, including but not limited to under the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Michigan Regulation and Taxation of Marihuana Act.
- D. This Ordinance permits authorizations for activity under the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Michigan Regulation and Taxation of Marihuana Act. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession, manufacture, cultivation, sale, distribution or control of marihuana or any other activity relating to marihuana that is not in compliance with state law.
- E. The City recognizes that federal law is not impacted by the adoption of this Ordinance, and, therefore, does not intend, and the public shall not construe, this Ordinance to grant immunity under federal law, including but not limited to the Federal Controlled Substances Act.

**Section 3: Definitions**

- A. Unless otherwise indicated, terms used herein that are not otherwise defined shall have the meanings proscribed to them within the applicable State Marihuana Law.

- B. Unless otherwise stated, any reference to grower, processor, safety compliance facility, or secure transporter includes both adult-use marihuana establishments and medical marihuana facilities of that type.
- C. The following words and phrases used in this Ordinance shall have the following meanings unless the context of the Ordinance clearly indicates otherwise.
  1. *Agency* means the Michigan Marihuana Regulatory Agency or its successor agency.
  2. *Application* means an application for a License pursuant to this Ordinance.
  3. *Applicant* means an individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity who applies for License to operate a Marihuana Establishment in the City of Vassar.
  4. *City* means the City of Vassar, Michigan.
  5. *City Council* means the City of Vassar Council of the City of Vassar, Michigan.
  6. *Business Location* means the parcel on which a Marihuana Business is located. Multiple Licenses operated by a Licensee on one parcel is considered one Business Location.
  7. *Clerk* means the City of Vassar Clerk.
  8. *Provisional License* means an Application which has been approved by the City Clerk but subject to additional State Licenses and State and local permits and approvals before a License is issued.
  9. *License* means a license issued for the operation of a Marihuana Establishment pursuant to the terms and conditions of this Ordinance.
  10. *Licensee* means a person or entity issued a License pursuant to this Ordinance.
  11. *Marihuana Business* means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State, inclusive of medical marihuana facilities, as defined under MCL 333.27102(l), and marihuana establishments, as defined under MCL 333.27953(h).
  12. *Michigan Medical Marihuana Act, or MMMA* means the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.
  13. *Michigan Medical Marihuana Facilities Licensing Act, or MMFLA*, means Public Act 281 of 2016, MCL 333.27101, et seq., as amended, and the rules promulgated thereunder, as applicable.
  14. *Michigan Regulation and Taxation of Marihuana Act or MRTMA* means, the initiated law of 2018, MCL 333.27951, et. Seq., as amended and all future amendments.
  15. *Ordinance* means this Ordinance \_\_\_\_
  16. *Planning Commission* means the Planning Commission of the City of Vassar, Michigan.
  17. *State* means the State of Michigan.
  18. *State License* means a license issued by the State of Michigan that allows a person to operate a Marihuana Establishment.
  19. *State Marihuana Law* means the MMMA, MMFLA, MRTMA, any amendments thereto, rules and regulations promulgated thereunder, and any other State law governing marihuana.

**Section 4: Authorization of Marihuana Businesses**

- A. If an Applicant is granted a Marihuana License by the State of Michigan for any of the Marihuana Businesses listed in this Section, the Marihuana Business may only be operated consistent with State Marihuana Law and for all purposes contemplated therein, and subject to the terms of this Ordinance, the City of Vassar Zoning Ordinance, and all applicable State and local law.

- B. Subject to the terms of this Ordinance, the issuance of a License by the City Clerk and applicable State law, only the following types of Marihuana Businesses are permitted within the boundaries of the City:
  - 1. Medical Marihuana Grower
  - 2. Medical Marihuana Processor
  - 3. Medical Marihuana Provisioning Center
  - 4. Medical Marihuana Secure Transporter
  - 5. Medical Marihuana Safety Compliance Facility
  - 6. Adult-Use Marihuana Grower
  - 7. Adult-Use Marihuana Processor
  - 8. Adult-Use Marihuana Retailer
  - 9. Adult-Use Marihuana Microbusiness
  - 10. Adult-Use Marihuana Secure Transporter
  - 11. Adult-Use Marihuana Safety Compliance Facility
- C. Pursuant to the State Marihuana Law and subject to the City of Vassar Zoning Ordinance and the terms of this Ordinance, the City Council finds and determines that it is in the public interest to limit the maximum number of Licenses for the following uses:
  - 1. Adult-Use Marihuana Microbusiness: One (1) License
  - 2. Adult-Use Marihuana Retailer: Six (6) Licenses

The City Council may review and amend these numbers by resolution as it determines to be advisable and in the best interest of the City of Vassar.
- A. Marihuana Businesses may only be operated with a Special Exception Use Permit as set forth in the City of Vassar Zoning Ordinance. No person shall be issued a License by the City without first obtaining from the City of Vassar a Special Exception Use Permit pursuant to the City of Vassar Zoning Ordinance.

**Section 5: Prohibited Licenses and Acts**

- A. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27956(1) and to protect the public health, safety, and welfare of the residents of the City of Vassar, the City of Vassar hereby completely prohibits the following Marihuana Businesses and licenses:
  - 1. Designated Marihuana consumption establishments;
  - 2. Temporary Marihuana events.
- B. Any medical marihuana facility or adult-use marihuana establishment not specifically allowed by this Ordinance is prohibited within the City. In the event that any State law or rule is enacted or amended to provide for additional types of Marihuana Businesses, such businesses will be prohibited in the City in accordance with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27956(1) unless and until the City amends this Ordinance to specifically allow for them.
- A. No person shall operate a Marihuana Business in the City without a valid License issued by the City pursuant to the terms of this Ordinance. Operators. Only a Licensee may operate as a Marihuana Business within the City of Vassar. The Licensee must conspicuously display its State License and City License in the Business Location where it is easily open to public view.
- C. It is prohibited for any Marihuana Business to allow the consumption, use, or inhalation of marihuana or any Marihuana product at any Business Location.
- D. It is prohibited to produce, distribute, or possess Marihuana in violation of any applicable State Marihuana Law or City of Vassar ordinance.
- E. Any violation of any State Marihuana Law shall be deemed a violation of this Ordinance.

## **Section 6: Violations and Enforcement**

- A. The requirements of this Ordinance are in addition to the City Vassar Zoning Ordinance, other City of Vassar ordinances of general applicability, and all applicable state laws.
- B. It shall be unlawful to operate any Marihuana Business in the City of Vassar without possessing a valid City of Vassar License to operate pursuant to this Ordinance, possessing a valid license from the State of Michigan, and having paid all applicable fees. The operation of any Marihuana Business in the City of Vassar without a valid City of Vassar License shall constitute a misdemeanor the penalty for which shall not exceed ninety (90) days in jail and a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00), plus costs and other sanctions for each violation. Each day that a violation continues shall be considered a separate and distinct offense. The City may also seek injunctive relief.
- C. Violations of any other provisions of this Ordinance shall constitute a municipal civil infraction the penalty for which shall not exceed ONE HUNDRED DOLLARS (\$100.00), plus costs and other sanctions for each violation. Each day that a violation continues shall be considered a separate and distinct offense. The City may also seek injunctive relief.
- D. This Ordinance may be enforced and administered by the City Clerk, any City of Vassar Police Officer, City Manager or such other city official as may be designated from time to time by resolution of the City Council.

## **Section 7: Local Licensing Authority**

The City of Vassar Clerk is designated as the Local Licensing Authority and shall have all duties and authorities authorized by State Marihuana Law, rules promulgated by the Agency, and this Ordinance to grant or deny an Application described in this Ordinance, to levy penalties in the manner proscribed herein and under the law, and to take all actions necessary and incident thereto.

## **Section 8: Application for City License and Fees**

- A. Every Applicant for a License to operate a Marihuana Business shall file a completed Application in the City Clerk's office on a form provided by the City. Applications shall be collected and considered in accordance with this Ordinance. A separate Application is required for each License requested regardless of Business Location.
- B. Each Applicant must pay to the City of Vassar a fee of \$5,000 per Application to defray the administrative and enforcement costs associated with the operation of Marihuana Businesses within the City.
- C. Except as otherwise provided by state law, this Ordinance, and the City of Vassar Zoning Ordinance, an Applicant may apply for Licenses to operate at the same Business Location, as provided in State Marihuana Law.
- D. Contents of Application.
  - 1. An Applicant may be requested to provide any information required by applicable State Marihuana Law and any other information deemed by the City to be required for the consideration of a License.
  - 2. The Application shall, at a minimum, include:
    - a. If the Applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;

- b. If the Applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
  - c. The address and parcel identification number of the proposed Business Location, including satisfactory proof that the Applicant is legally permitted to occupy the property for the intended use. Proof may include a deed, purchase agreement, lease, or notarized statement from the landlord.
  - d. The name of the proposed Marihuana Business;
  - e. An Application for Special Exception Use Permit to be issued by the City Planning Commission;
  - f. Site Plan and application for Site Plan review to the City Planning Commission;
  - g. Whether the Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in the State of Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;
  - h. Application for a sign permit if a sign is proposed;
  - i. A description of the security plan for the Marihuana Business that complies with the relevant minimal operational standards under State Marihuana Law and this Ordinance, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the Marihuana Business.
  - j. Information regarding any other Marihuana Business that the Applicant is currently operating or authorized to operate in any other jurisdiction in any state or country and the Applicant's involvement in each business.
  - k. Payment of the \$5,000.00 application fee.
  - l. Any other information which may be required by the City.
3. The Applicant shall sign the Application and attest that, under penalty of perjury, the information contained within is true to the Applicant's information, knowledge, and belief. An Applicant that is an organization, entity, or association, including any corporation, partnership, limited liability company, or any other business, shall submit a resolution attesting to same, identifying all ownership interests, and granting the representative filing the Application the authority to sign on its behalf.
4. At any time during the application process, the City may send notice to an Applicant requesting supplemental information. If an Applicant fails to provide supplemental information within ten (10) business days from the date notice was sent, the application will be deemed voluntarily withdrawn and will not be considered.
- E. It is the sole and exclusive responsibility of Applicant at all times during the application period operation to immediately provide the City with all changes in any information submitted on the Application and any other changes that may tend to materially affect any State License.

- F. Submitted applications that are not complete will be deemed voluntarily withdrawn and will not be considered.
- G. An Applicant, and its owners, officers, and directors, must be current with all City taxes, fines and fees.

**Section 9: Inspections**

- A. At any time during the pendency of an Application for issuance, renewal or amendment of a License, the City, including representatives of the City’s Building Department, Fire Department, and Police Department, may inspect the Business Location, including in-progress construction, to determine compliance with applicable state and local laws. If an Applicant does not permit an inspection to take place within 5 (five) business days of receiving notice from the City, then the Application will be deemed disqualified and the Applicant will be deemed to have forfeited all Licenses for the Business Location.
- B. Acceptance of a License or a Provisional License from the City under this Ordinance constitutes consent by the Licensee, its owners, managers, and employees to permit City officials to conduct reasonable and random inspections of the Marihuana Business to ensure ongoing compliance with this Ordinance during normal hours of operation.
- C. The premises of any Business Location of any Marihuana Business shall be open, at all times, to any Michigan licensing board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the License, to enter the premises, offices, or facilities of any Marihuana Business if evidence of compliance or non-compliance with the MRTMA or applicable State Marihuana Law is likely to be found and consistent with constitutional limitations, for the following purposes:
  - 1. To inspect and examine all premises of the Marihuana Business;
  - 2. To inspect, examine, and audit relevant records of the Licensee and, if the holder of the License or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
  - 3. To inspect the person and inspect or examine personal effects present in a Marihuana Business of any holder of any State License while that person is present in a Marihuana Business;
  - 4. To investigate alleged violations of State Marihuana Law.

**Section 10: Requirements and Procedure for Issuing License.**

- A. Applications for renewal of or amendment to existing Licenses under this Ordinance or permits issued by the City of Vassar to Medical Marihuana Facilities under prior version of the City of Vassar Code Ord. No. 2012-01 shall be reviewed and approved or denied before Applications for new Licenses are considered.
- B. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing requirements imposed by local health codes, state law as amended, and any future derivations thereof.
- C. Upon an Applicant’s completion of the Application and furnishing of all required information, documentation and fees, the City Clerk shall file the same and assign it a sequential application number by Marijuana Business type based on the date and time of acceptance. The City Clerk

shall act to approve or deny an Application based upon the terms of this Ordinance not later than twenty-one (21) days from the date the completed Application is filed.

- D. If the City Clerk determines that the Application satisfies all applicable terms of this Ordinance and a License is available for the requested type of Marihuana Business, the City Clerk shall issue the Applicant a Provisional License and forward the Application to the City Planning for review of Special Exception Use Permit and Site Plan Approval pursuant to the City Zoning Ordinance. If the Application is denied, the City Clerk shall issue a written notice of denial to the Applicant and mail the same by first class mail to the address for the Applicant provided in the Application.
- E. Approval of the Application by the City Clerk and the issuance of a Provisional License means only that the Applicant has submitted a valid and satisfactory Application under the terms of this Ordinance and the license for the particular Marihuana Business type, if limited under Section \_\_, is no longer available. The Applicant shall not locate or operate a Marihuana Business without obtaining other permits and approvals required by State Marihuana Law and all other applicable ordinance and regulations of the City. Additional permits, licenses and approvals include but are not limited to:
  - a. Any applicable State License;
  - b. Special Exception Use Permit as issued by the City Planning Commission;
  - c. Site Plan Approval from the City Planning Commission.
- F. Within ten (10) business day of the Planning Commission's approval of the Applicant's Site Plan and Special Exception Use Permit, the City Clerk shall issue the Applicant a License in order of the previously assigned sequential application number.
- G. Maintaining a valid State License is a condition for the maintenance of a License under this Ordinance and the operation of a Marihuana Business in the City of Vassar.
- H. A Provisional License is valid for one (1) year from the date that the Application is approved by the City Clerk. If all additional necessary permits, State Licenses, and approvals are not received in that time frame, the Provisional License shall be null and void.
- I. The MRTMA, MCL 333.27959 4 requires that, when more than one Applicant has applied for a single available License, the City establish a competitive process to select the Applicant best suited to operate in compliance with the MRTMA within the City. Pursuant to that requirement, if the City receives more than one Application for an available License, the City will consider the following:
  - 1. The Applicant's experience in operating other similarly permitted or licensed Marijuana Businesses;
  - 2. The Applicant's general business management experience;
  - 3. Planned tangible capital investment in the City, including an explanation of the economic benefits to the City and job creation; and
  - 4. Financial structure and financing of the proposed Marihuana Business.
- J. No Application shall be approved unless:
  - a. The Fire Department and the Building Safety Office have inspected the proposed Business Location for compliance with all laws for which they are charged with enforcement within the past calendar year.
  - b. The Zoning Administrator has confirmed that the Business Location complies with the Zoning Code and this Ordinance, at the time a License is granted.
  - c. The City Treasurer has confirmed that the Applicant and each stakeholder of the Applicant and the location of the Marihuana Business are must be current with all City taxes, fines and fees.
  - d. The Police Department has reviewed the Application and determined that the Applicant has satisfied the requirements of this Ordinance with respect to the security plan.

- e. In the case of a renewal or amendment, the Applicant has operated the Marihuana Business in accordance with Federal, State, and local laws and regulations and requirements of this Ordinance.
- f. The Marihuana Business has not been declared a public nuisance.
- K. An Application may be denied for any reason allowable under applicable State Marihuana Law or this Ordinance.
- L. Appeal. If the Application is denied, the Applicant shall have fourteen (14) days from the mailing of a decision by the City Clerk to appeal to the City Council by filing a notice of appeal in the City Clerk's office. The City Council shall hear the appeal at its next regular meeting but not sooner than seven (7) days from the receipt of the notice of appeal.

**Section 12: License Term**

All Licenses shall remain valid for one (1) year after issuance unless forfeited or revoked in accordance with this Ordinance.

**Section 13: Renewal and Amendment**

- A. To remain valid, each License issued under this Ordinance must be renewed annually. A completed Application for renewal must be received no later than 30 days prior to expiration. So long as no changes to the License or information submitted on the most recent Application have occurred and there is no pending request to revoke or suspend a License, and the Licensee has paid the fee of \$5,000 per License as required under this Ordinance, the City Clerk shall renew the License.
- B. Amendment.
  - 1. A Marihuana Business shall not make or allow any changes to be made in the operation, management, or ownership of the Marihuana Business as represented in the Application, without first obtaining the approval of the City through an Amendment Application.
  - 2. An Application must be submitted when there is a change in any information that the Licensee was required to provide to the City or the Agency in connection with the most recent Application on file with the City or the Agency, as applicable.
  - 3. If the City denies an Application requesting an amendment, then a Licensee shall be allowed to operate under its License only if the proposed amendments are not in effect and if the License is otherwise valid.
- C. Procedures. The same procedures that apply to new applications shall apply to application for renewal and amendment.

**Section 14: Licenses Non-Transferable**

Any License issued under the Ordinance is only valid for the named Licensee and only for the Business Location contained in the Application. No License is transferable to any other individual, organization, entity, association or other business or from its designated Business Location to any other location unless by an approved Amendment Application. Only the named Licensee may operate the Marihuana Business.

**Section 15: Revocation**

- A. A License issued under this Ordinance may be revoked after an administrative hearing at which the City Clerk determines that grounds for revocation under this Ordinance exist.



- B. Notice of the time and place of the hearing and the grounds for revocation must be given to the Licensee at least five (5) days prior to the date of the hearing, by first class mail to the address given on the License Application. A Licensee whose License is the subject of such a hearing may present evidence and/or call witnesses at the hearing.
- C. A License applied for or issued under this Ordinance may be revoked on any of the following bases:
  - 1. Any violation of this Ordinance;
  - 2. Any conviction of delivery of a controlled substance or a minor;
  - 3. Any finding by the City Clerk that the Applicant or Licensee made any fraudulent misrepresentation or false statement on the Application, including any Renewal Application or Amendment Application;
  - 4. The Licensee or any of its Stakeholders is in default to the City personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
  - 5. The Marihuana Business is determined by the City to be a public nuisance; or
  - 6. The State License for the Marihuana Business has been denied, revoked or suspended.
- D. Should the City Clerk revoke a License, the Licensee shall have fourteen (14) days from the mailing of a decision by the City Clerk to appeal to the City Council by filing a notice of appeal in the City Clerk's office. The City Council shall hear the appeal at its next regular meeting but not sooner than seven (7) days from the receipt of the notice of appeal. Should the City Council reverse the decision of the City Clerk, the City Clerk shall reinstate the License.

**Section 16: Minimal Operational Standards for All Marihuana Businesses Within the City of Vassar**

In addition to all local and state laws and regulations and all other applicable terms of this Ordinance, the following minimum standards shall apply to all Marihuana Business within the City of Vassar:

- A. Marihuana Businesses shall comply at all times and in all circumstances with State Marihuana Law. It is the responsibility of all Applicants and Licensees to be aware of the law and changes to the law. The City is not responsible for making Applicants and Licensees aware of the law or changes to the law.
- B. Marihuana Business shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- C. No person under the age of eighteen (18) shall be allowed to enter any Marihuana Business without a parent or legal guardian.
- D. No marihuana may be consumed or ingested on the premises except as otherwise permitted by applicable state law.
- E. The Marihuana Business shall be continuously monitored with a centrally-monitored security and alarm system that includes security cameras. The video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days and be available upon request of the City of Vassar Police Department.
- F. The Marihuana Business shall secure every entrance to the Business Location and only permit access by those individuals permitted under State Marihuana Law and this Ordinance.
- G. All marihuana in whatever form stored at the Business Location shall be kept in a secure manner and shall not be visible from outside the premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the premises.
- H. In addition to all other applicable local and state laws and regulations, all persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - a. Maintaining adequate personal cleanliness;

- b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- I. All buildings, fixtures and other facilities at any Business Location of any Marihuana Business shall be maintained in a sanitary condition, adequately cleaned and kept in good repair.
- J. Litter and waste shall be properly removed from all Business Locations and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- K. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.
- L. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in nonconformance with state laws.
- M. No Marihuana shall be cultivated, grown, manufactured or processed in any manner that would emit odors beyond the Business Location or which is otherwise discernable to another person. Odor from operations shall be controlled as may be required under the Special Exception Use Permit issued to the Licensee. The emission of Marihuana odors into the areas surrounding the Business Location is deemed and declared to be a public nuisance. Marihuana businesses must implement appropriate ventilation and filtration systems to satisfy the odor nuisance standard described herein. While the City does not mandate any particular equipment specifications with regard to filtration, all Marihuana Businesses are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
- N. In the event that any odors, debris, dust, fluids or other substances exit a Business Location, the owner of the Business Location and the Licensee shall be jointly and severally responsible for immediate full clean-up and correction of such condition.
- O. No pictures, images, or drawings depicting marihuana or marihuana paraphernalia shall appear on the outside of the Business Location or be visible from outside of the premises. The words “marijuana,” “marihuana”, “cannabis” and any words used or intended to be used to convey the presence of marihuana shall not appear on the outside of the premises per state law.

**Section 16: Reservation of Rights**

This Ordinance is intended to operate in addition to and not in lieu of other state and local law and regulation. The City retains all rights to enforce any application local and state laws and rules regardless of whether specifically included in this Ordinance.

**Section 21: Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 22: Repeal**

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed

**Section 23: Publication**

The City Clerk shall cause this Ordinance to be published in the manner required by law.

**Section 24: Effective Date**

This Ordinance shall take immediate effect.