

VILLAGE OF COLON

COUNTY OF ST JOSEPH, STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

ADULT USE MARIHUANA ESTABLISHMENT ORDINANCE

An ordinance to authorize the operation of and provide regulations for adult use marihuana establishments in the Village of Colon pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended; to provide for an annual fee; to provide penalties for violation of this Ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

VILLAGE OF COLON

ST JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This Ordinance shall be known as and may be cited as the Village of Colon Adult Use Marijuana Establishment Ordinance.

SECTION II
PURPOSE

The purpose of this Ordinance is to regulate adult use marihuana establishments in the Village in order to protect the public health, safety and general welfare of the Village residents, to provide reasonable regulations regarding Village licensing of adult use marihuana establishments, to provide a method to defray administrative costs of such establishments and to coordinate Village regulations and license approval with laws and regulations enacted by the State of Michigan. It is not the intent of this Ordinance to restrict or abrogate the protections for adult use marihuana found in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION III
DEFINITIONS

Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

SECTION IV
ADULT USE MARIJUANA ESTABLISHMENTS

A total of three (3) adult use marihuana establishments may be authorized to operate within the Village by the holder of a state operating license, and the Village may issue a Village license for the same, subject to compliance with the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as may be amended, the Rules promulgated thereunder and this Ordinance:

1. A maximum of two (2) retailer licenses may be authorized in the Village.
2. Not more than one (1) secure transporters licenses may be authorized in the Village.

No other license types as may be established by the Rules promulgated pursuant Initiated Law 1 of 2018, as amended, shall be authorized in the Village.

SECTION V
ADULT USE MARIJUANA ESTABLISHMENT LICENSES

1. All applicants for a Village adult use marihuana establishment license shall complete the Adult Use Marijuana Establishment License Application available from the Village Clerk and pay the applicable fees.

2. On and after January 1, 2026, the Village shall accept applications for a Village license to operate an adult use marihuana establishment within the Village available from the Village Clerk and/or another designee of the Village (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual adult use marihuana establishment fee, the application shall be time and date stamped. All complete applications received on or after January 1, 2026, shall be considered for conditional authorization and/or Village licensure. In the event that more applications are submitted to the Clerk than the number of adult use marihuana establishments authorized for Village licensure by this Ordinance, the applications shall be considered by the Village Council pursuant to the evaluation criteria contained in Section VI of this Ordinance. The Village Council shall consider an application for an adult use marihuana establishment license within 60 days of the date of receipt of a complete application. Once the Village Council has determined which applications will be authorized for Village licensure (per Section VI herein), any additional complete applications shall be held in abeyance for future licensure. Any applicant waiting for future licensure may withdraw their application by written notice to the Clerk at any time. The Village may provide a partial refund of the initial marihuana fee submitted, but is not required to do so.

3. If applicant is denied a state operating license, then application will be canceled by the Clerk and the license shall be available to the next applicant for the specific type of adult use marihuana establishment license in order of rankings, per the evaluation criteria in Section VI.

4. An applicant shall receive a license from the Village to operate the adult use marihuana establishment within the Village upon the applicant providing the Clerk proof that the applicant has received a state operating license for the adult use marihuana facility in the Village, the applicant has met all other requirements of this Ordinance for the operation of an adult use marihuana establishment, and the Village Council votes a majority for approval of the applicant to receive a Village adult use marihuana license.

5. A licensee shall not operate an adult use marihuana establishment at any location in the Village other than the address provided in the application to the Village.

SECTION VI **LICENSE EVALUATION CRITERIA**

The Village Council shall review all applications to determine which of the applications are best suited to operate such establishment in the Village in compliance with Initiated Law 1 of 2018, as amended. In making such analysis, the Village Council shall use a scoring sheet that is approved by the Council, which shall be provided as part of the application.

SECTION VII **GENERAL REGULATIONS REGARDING** **AUTHORIZED ADULT USE MARIJUANA ESTABLISHMENTS**

1. A licensed adult use marihuana establishment shall only be operated within the Village by the holder of a State operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as may be amended and the Rules promulgated thereunder. The facility shall only be operated as long as the State operating license and Village license both remain in effect.

2. Prior to operating a licensed adult use marihuana establishment within the Village pursuant to a State operating license, the facility must comply with all applicable regulations, ordinances and codes.

3. Prior to operating an authorized adult use marihuana establishment within the Village pursuant to a State operating license, the establishment must comply with all Village construction, building and zoning ordinances, all other applicable Village ordinances specifically regulating adult use marihuana establishments and generally applicable Village regulatory ordinances and regulations. The establishment shall only be operated as long as it remains in compliance with all such ordinances and regulations now in force or which hereinafter may be established or amended.

4. If at any time a licensed adult use marihuana establishment violates this Ordinance the Village Council may request that the State revoke or refrain from renewing the establishment's State operating license. Once such State operating license is revoked or fails to be renewed, the Clerk shall cancel the Village license and the license shall be available to the next applicant for the specific type of adult use marihuana establishment license in order of rankings, per the evaluation criteria in Section VI.

5. If the Village of Colon allows medical marihuana facilities pursuant to the MMFLA, an adult use marihuana establishment may co-locate with a medical marihuana facility, as authorized by Section 6, subsection 5 of the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018).

6. An adult use marihuana establishment shall prevent smoke, odors, debris, dust, noise, lights, glare, heat, other emissions or discharge from interfering with the reasonable and comfortable use and enjoyment of another's property. Whether smoke, odors, debris, dust, noise, lights, glare, heat, other emissions or discharge interfere with the reasonable and comfortable use and enjoyment of property shall be measured against the objective standards of a reasonable person of normal sensitivity.

7. An adult use marihuana establishment shall only be open to the public between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. An adult use marihuana establishment shall not be open to the public on Sunday.

8. All signage and advertising shall comply with Village of Colon, St Joseph County and/or MDOT regulations.

9. A licensed adult use marihuana establishment shall consent to inspection of the facility by Village officials, including the Village of Colon Police Department and St Joseph County Sheriff's Department representatives as arranged by the Village of Colon, upon reasonable notice, to verify compliance with this Ordinance.

10. The Village of Colon expressly reserves the right to amend or repeal this Ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of licenses for adult use marihuana establishments authorized to operate within the Village.

SECTION VIII
ANNUAL ADULT USE MARIJUANA ESTABLISHMENT FEE

There is hereby established an annual nonrefundable Village adult use marihuana establishment fee in the amount of \$5,000, for each licensed adult use marihuana establishment within the Village, to help defray administrative and enforcement costs associated therewith. An initial annual adult use marihuana establishment fee of \$5,000 shall be payable at the time of application for Village authorization and thereafter the same amount shall be payable each year on or before the license renewal date.

SECTION IX
NONRENEWAL, SUSPENSION, REVOCATION, TRANSFERS, EXTENSIONS
AND APPEALS

1. It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any authorized adult use marihuana establishment a vested right, privilege or permit to continued licensure from the Village for operations within the Village of Colon.

2. Each license is exclusive to the licensee and cannot be sold or transferred without prior Village Council approval. The attempted transfer, sale or other conveyance of an interest in a license without prior approval of the Village Council is grounds for suspension or revocation of the license or for other appropriate sanction. Any licensee seeking to transfer or sell a license must request approval of such transfer or sale in writing to the Village Council at least 60 days prior to the proposed transfer or sales date. No transfer or sale of a Village license may occur prior to Village Council approval.

3. The Village Council, after notice and hearing, may suspend, revoke or refuse to renew a license for any of the following reasons:

- a. The applicant or licensee, or his/her agent, manager or employee, has violated, does not meet or has failed to comply with any of the terms, requirements, conditions of provisions of this Ordinance or with any applicable state or local law or regulation;
- b. The adult use marihuana establishment has operated in a manner that adversely affects the public health, safety and welfare.

4. Evidence to support a finding for nonrenewal, suspension or revocation of a license may include, without limitation, a continuing pattern of conduct of drug related criminal complaints within the premises of the adult use marihuana establishment or in the immediate surrounding area or an ongoing nuisance condition, including but not limited to odors emanating from or caused by an adult use marihuana establishment.

5. An applicant may appeal any Village decision regarding licensure, nonrenewal, suspension or revocation of a license to the full Village Council, upon written request. An applicant requesting such appeal shall submit the request in writing to the Village Clerk, which request shall include reasons for the appeal. The Village Clerk shall, within a reasonable time thereafter, provide notice to the applicant of the time and date of the Village Council meeting at which the appeal will be heard. At such Village Council meeting, the applicant will have the opportunity to present his/her case supporting their appeal request.

6. A licensee may request an extension of their Village license from the Village Council for a period of up to 6 months. Such request must be submitted to the Village Clerk in writing at least 60 days prior to the license expiration. The Village Council has the authority to grant up to two (2) six-month extensions, but may only grant one six-month extension at a time.

SECTION X **VIOLATIONS AND PENALTIES**

1. Any person, including but not limited to licensee, manager, employee or property owner who disobeys, neglects, or refuses to comply with any provision of this Ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se.

2. A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction. This section is not intended to conflict with the penalty provisions in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition to the penalties provided for above, the Village may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

5. This Ordinance shall be administered and enforced by the Village's Police Department, Sheriff's Deputy or by such other person (s) as designated by the Village Council from time to time.

SECTION XI **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing adult use marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018).

SECTION XII **REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION XIII **EFFECTIVE DATE**

This Ordinance shall take effect upon passage of a Ballot Initiative in a general election specifically authorizing the number of adult use marihuana establishments in the Village pursuant to this Ordinance.

Billi Farrand, Village Clerk
Village of Colon
111 S. Saint Joseph Street
Colon, MI 49040
269-432-2532