

ORDINANCE NO. 2019-01

Adopted: May 14, 2019

Effective: June 1, 2019

AN ORDINANCE TO AMEND ORDINANCE NO. 2017-01 OF THE CITY OF READING, AS AMENDED BY ORDINANCE NO. 2017-02 AND ORDINANCE NO. 2018-02, TO: AMEND SECTION II OF THE ORDINANCE, AS AMENDED, TO CHANGE VARIOUS DEFINITIONS IN RELATIONSHIP TO THE ADOPTION OF THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT; TO AMEND SECTION III OF THE ORDINANCE, AS AMENDED, TO CHANGE THE MAXIMUM POTENTIAL NUMBER OF MEDICAL MARIHUANA FACILITY LICENSES THAT MAY BE AUTHORIZED BY THE CITY AND TO MAKE CERTAIN CHANGES TO THE REQUIREMENTS FOR SUBMITTING AN APPLICATION FOR A LICENSE; AND TO AMEND SECTION V OF THE ORDINANCE TO INCREASE THE APPLICATION AND LICENSING FEE.

THE CITY OF READING ORDAINS THAT:

Subsection 1a of SECTION II of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

a) 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 marihuana, 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*; the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq*.; and all other applicable rules or regulations promulgated by the State of Michigan.

IT IS FURTHER ORDAINED THAT:

Subsection 1c of SECTION II of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

c) This ordinance shall not limit an individual or entity's rights under the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, or the Michigan Regulation and Taxation of Marihuana Act. The provisions of the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and the Michigan Regulation and Taxation of Marihuana Act shall supersede the provisions of this ordinance to the extent there is a conflict between the provisions of this ordinance and the provisions of the Acts.

IT IS FURTHER ORDAINED THAT:

Subsection 2 of SECTION II of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

2. For purposes of this ordinance;
 - a) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq*, shall have the definition given in the Regulation and Taxation of Marihuana Act, and any amendments thereto.
 - b) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, *et seq*, shall have the definition given in the Medical Marihuana Act, and any amendments thereto.
 - c) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq*, shall have the definition given in the Medical Marihuana Facilities Licensing Act, and any amendments thereto.
 - d) Any term defined by the Marihuana Tracking Act, MCL 333.27901, *et seq*, shall have the definition given in the Marihuana Tracking Act, and any amendments thereto.

In the event of a conflict between the definition of any term under the Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, for purposes of this ordinance the definition of the term under the Medical Marihuana Facilities Licensing Act, and any amendments thereto, shall be applied.

IT IS FURTHER ORDAINED THAT:

Subsection 1a of SECTION III of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

1. The following medical marihuana facilities may be authorized to operate within the City by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder, and this ordinance:
 - a) An unlimited number of growers may be authorized in the City.
 - b) Not more than 5 (five) processor(s) shall be authorized in the City.
 - c) Not more than a total of 3 (three) provisioning centers may be authorized in the City, so long as the total combined number of single locations of provisioning centers authorized under this ordinance and marihuana retailers authorized under the City's Marihuana Establishments Ordinance does not exceed 3 (three) such authorized locations. By way of example, if 2 (two) marihuana retailers under the Marihuana Establishments Ordinance have been authorized at 2 (two) separate locations within the City, then only 1 (one) provisioning center may be authorized at a third (3rd) separate location under this ordinance. However, up to 2 (two) additional provisioning centers could be authorized under this ordinance, so long

as they were co-located with the existing marihuana retailers already authorized. Similarly, if 3 (three) marihuana retailers have already been authorized under the Marihuana Establishments Ordinance, then no provisioning centers may be authorized under this ordinance unless they are co-located with the existing marihuana provisioning centers.

d) Not more than 5 (five) safety compliance facilities shall be authorized in the City.

e) Not more than 5 (five) secure transporter(s) shall be authorized in the City.

IT IS FURTHER ORDAINED THAT:

Subsection 3 of SECTION III of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

3. On and after December 15, 2017, the City shall accept applications for authorization to operate a medical marihuana facility within the City. Application shall be made on a City form and must be submitted to the City Clerk and/or other designee of the City Council (hereinafter referred to as "Clerk"). In order for the application to be eligible for review under this ordinance, the applicant must submit with the application proof that the applicant has applied for and received prequalification from the state for a state operating license. Once the Clerk receives a complete application including the initial annual marihuana establishment fee and proof of prequalification for a state operating license, the application shall be time and date stamped. If at the time of application a license is available for the type of marihuana facility referenced in the application, then the completed application shall be considered for authorization as provided in this ordinance. Upon the consideration and approval of the application by the City Council as provided in this ordinance, the applicant shall receive conditional authorization to operate such medical marihuana facility within the City. If at the time an application is submitted for a type of marihuana facility as to which no licenses are currently available pursuant to this ordinance, the completed application shall be held for future consideration, in the event a license for the type of facility that is the subject of the application becomes available. Any such application for waiting for future consideration and authorization may be withdrawn by the submission of a written notice to the Clerk at any time, and upon the submission of such written notice the applicant shall receive refund of the initial annual medical marihuana fee submitted with the application.

IT IS FURTHER ORDAINED THAT:

Subsection 5 of SECTION III of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

5. Within thirty days from conditional authorization from the City or from December 15, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has submitted a full application to the State of Michigan for the issuance of a state operating license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Subsection 3 herein.

IT IS FURTHER ORDAINED THAT:

Subsection 6 of SECTION III of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

6. If a conditionally authorized applicant is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Subsection 3 herein.

IT IS FURTHER ORDAINED THAT:

Subsection 8 of SECTION III of Ordinance No. 2017-01, as amended, is hereby amended to state as follows:

8. If a conditionally authorized applicant fails to obtain full authorization from the City within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Subsection 3 herein. The City Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the City Council finding good cause for the extension.

IT IS FURTHER ORDAINED THAT:

Subsection 6 of SECTION IV of Ordinance 2017-01, as amended, is hereby amended to state as follows:

6. If at any time an authorized medical marihuana facility violates this ordinance the City Council may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Clerk shall cancel the City authorization and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Subsection 3 of Section III of this Ordinance.

IT IS FURTHER ORDAINED THAT:

SECTION IV of Ordinance 2017-01, as amended, is hereby amended to add subsections 10 and 11, which shall state as follows:

10. An authorized medical marihuana facility may be located in the same facility as one or more marihuana establishments that is a marihuana grower, a marihuana processor, or a marihuana retailer authorized under the City's Marihuana Establishments Ordinance to the extent permitted under that Ordinance and under the Michigan Regulation and Taxation of Marihuana Act.

11. This ordinance does not restrict the transportation of marihuana through the City of Reading.

IT IS FURTHER ORDAINED THAT:

Subsection 1 of SECTION V of Ordinance 2017-01, as amended, is hereby amended to state as follows:

1. There is hereby established an initial nonrefundable City medical marihuana facility fee in the amount of \$5,000 for each application submitted for a medical marihuana licensing facility within the City, to help defray administrative and enforcement costs associated therewith. In the event that a license is granted, the licensee shall thereafter pay an annual medical marihuana facility fee of \$5,000, payable each year upon the renewal of the license as provided in this ordinance, said fee to help defray administrative and enforcement costs associated therewith. The amount of the fees provided for in this subsection may be revised from time-to-time by a resolution duly adopted by the Reading City Council in conformity with provisions of the Michigan Medical Marihuana Facilities Licensing Act.

IT IS FURTHER ORDAINED THAT:

All remaining provisions of Ordinance No. 2017-01, as amended by Ordinance No. 2017-02 and by Ordinance No. 2018-02, not specifically amended herein, shall remain and continue in full force and effect.

This Ordinance shall take effect ten (10) days after publication, as provided by City Charter.

The foregoing Ordinance was duly adopted at a meeting of the Reading City Council held on the 14th day of May, 2019.

Melani Matthews, Mayor
Kimberly Blythe, City Clerk/Treasurer

MARIHUANA ESTABLISHMENTS ORDINANCE
ORDINANCE NO. 2019-02

Adopted: May 14, 2019

Effective: June 1, 2019

An ordinance to authorize the operation of and provide regulations for marihuana establishments in the City of Reading 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 herewith; and to provide an effective date.

THE CITY OF READING
HILLSDALE COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the City of Reading Marihuana Establishments Ordinance.

SECTION II
PURPOSE AND DEFINITIONS

1. It is the intent of this ordinance to authorize the establishment of certain types of marihuana establishments in the City of Reading as permitted by the Michigan Regulation and Taxation of Marihuana Act, and to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; to retain the character of the neighborhoods; and to 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 establishment in the City of Reading through imposition of an annual fee of not more than \$5,000.00 on each marihuana establishment licensee. Authority for the enactment of the provisions of this ordinance is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*

a) 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 marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.257591, *et seq.*; 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 or regulations promulgated by the State of Michigan.

b) As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 USC § 801, *et seq.*

which makes it unlawful to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

c) This ordinance shall not limit an individual or entity's rights under the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, or the Medical Marihuana Facilities Licensing Act. The provisions of the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Marihuana Tracking Act shall supersede the provisions of this ordinance to the extent there is a conflict between the provisions of this ordinance and the provisions of the Acts.

d) Any activity that a licensee is authorized to perform pursuant to this ordinance that was conducted either prior to the enactment of this ordinance, or that is conducted after the enactment of this ordinance but without obtaining the required licensing provided for in this ordinance, shall be deemed to be an unauthorized and illegal use and therefore not entitled to legal nonconforming use status under any applicable provisions of the City's zoning ordinance or other City ordinance.

2. For purposes of this ordinance;

a) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq*, shall have the definition given in the Regulation and Taxation of Marihuana Act, and any amendments thereto.

b) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, *et seq*, shall have the definition given in the Medical Marihuana Act, and any amendments thereto.

c) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq*, shall have the definition given in the Medical Marihuana Facilities Licensing Act, and any amendments thereto.

d) Any term defined by the Marihuana Tracking Act, MCL 333.27901, *et seq*, shall have the definition given in the Marihuana Tracking Act, and any amendments thereto.

In the event of a conflict between the definition of any term under the Michigan Regulation and Taxation of Marihuana Act and any other act referenced in this section, for purposes of this ordinance the definition of the term under the Michigan Regulation and Taxation of Marihuana Act, and any amendments thereto, shall be applied.

SECTION III **AUTHORIZED MARIHUANA ESTABLISHMENTS**

1. The following number and types of marihuana establishments may be authorized to operate within the City by the holder of a state operating license, subject to compliance with the Michigan

Regulation and Taxation of Marihuana Act, as may be amended, the Rules promulgated thereunder, and this ordinance:

- a) An unlimited number of marihuana growers may be authorized in the City.
 - b) Not more than 5 (five) marihuana processors shall be authorized in the City.
 - c) Not more than a total of 3 (three) marihuana retailers may be authorized in the City, so long as the total combined number of single locations of marihuana retailers authorized under this ordinance and marihuana provisioning centers authorized under the City's Medical Marihuana Facilities Ordinance does not exceed 3 (three) such authorized locations. By way of example, if 2 (two) marihuana provisioning centers under the Medical Marihuana Facilities Ordinance have been authorized at 2 (two) separate locations within the City, then only 1 (one) marihuana retailer may be authorized at a third (3rd) separate location under this ordinance. However, up to 2 (two) additional marihuana retailers could be authorized under this ordinance, so long as they were co-located with the existing marihuana provisioning centers already authorized. Similarly, if 3 (three) marihuana provisioning centers have already been authorized under the Medical Marihuana Facilities Ordinance at three (3) separate locations, then no marihuana retailers may be authorized under this ordinance unless they are co-located with the existing marihuana provisioning centers.
 - d) Not more than 5 (five) marihuana safety compliance facilities shall be authorized in the City.
 - e) Not more than 5 (five) marihuana secure transporter(s) shall be authorized in the City.
 - f) Not more than 1 (one) marihuana microbusinesses shall be authorized in the City.
2. At least every five years after adoption of this ordinance, the City Council shall review the maximum number of each type of marihuana establishment 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 of the Council.
3. On and after November 1, 2019, the City shall accept applications for licenses to operate a marihuana establishment within the City. Application shall be made on a City form and must be submitted to the City Clerk and/or other designee of the City Council (hereinafter referred to as the "Clerk"). In order for the application to be eligible for review under this ordinance, the applicant must submit with the application proof that the applicant has applied for and received prequalification from the state for a state operating license. Once the Clerk receives a complete application including the initial annual marihuana establishment fee and proof of prequalification for a state operating license, the application shall be time and date stamped. If at the time of application a license is available for the type of marihuana establishment referenced in the application, then the completed application shall be considered for authorization as provided in this ordinance. Upon the consideration and approval of the application by the City Council as provided in this ordinance, the applicant shall receive a conditional license to operate such

marihuana establishment within the City. If at the time an application is submitted for a type of marihuana establishment as to which no licenses are currently available pursuant to this ordinance, the completed application shall be held for future consideration, in the event a license for the type of marihuana establishment that is the subject of the application becomes available. Any such application waiting for future consideration and authorization may be withdrawn by the submission of a written notice to the Clerk at any time, and upon the submission of such written notice the applicant shall receive a refund of the initial annual marihuana establishment fee submitted with the application.

4. A conditional license means only that the applicant has submitted a valid application for a marihuana establishment license that has been considered and approved by the City Council, and the applicant shall not locate or operate a marihuana establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Reading. A conditional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

5. Within thirty days from the issuance of a conditional license from the City or from December 6, 2019, whichever is later, the conditionally licensed applicant must submit proof to the Clerk that the applicant has submitted a full application to the State of Michigan for the issuance of a state operating license. If the applicant fails to submit such proof, then such conditional license shall be canceled by the Clerk and the conditional license shall be available to the next applicant in consecutive time and date-stamped order as provided for in Subsection 3 herein.

6. If a conditionally licensed applicant is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date-stamped order as provided for in Subsection 3 herein.

7. A conditionally licensed applicant shall receive a full license from the City to operate the marihuana establishment within the City upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the marihuana establishment in the City and the applicant has met all other requirements of this ordinance for operation including, but not limited to, any zoning approval for the location of the facility within the City.

8. If a conditionally licensed applicant fails to obtain a full license from the City within one year from the date of conditional licensing, then such conditional license shall be canceled by the Clerk and the conditional license shall be available to the next applicant in consecutive time and date-stamped order as provided for in Subsection 3 herein. The City Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the City Council finding good cause for the extension.

SECTION IV
GENERAL REGULATIONS REGARDING
AUTHORIZED MARIHUANA ESTABLISHMENTS

1. No person shall operate a marihuana establishment in the City of Reading without a valid marihuana establishment license issued by the City pursuant to the provisions of this ordinance.
2. An authorized marihuana establishment shall only be operated within the City by the holder of a state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
3. No authorized marihuana establishment shall be located within an area zoned exclusively for residential use, and no authorized marihuana establishment shall be located within 300 feet of a pre-existing public or private school providing education in preschool, kindergarten or any of grades 1 through 12.
4. An authorized marihuana establishment that is a marihuana grower, a marihuana processor, or a marihuana retailer may be located in the same facility with one or more other authorized marihuana establishments that are also a marihuana grower, marihuana processor, or marihuana retailer, and an authorized marihuana establishment that is a marihuana grower, marihuana processor, or a marihuana retailer may be located at a location shared with a medical marihuana facility authorized under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act.
5. Prior to operating an authorized marihuana establishment within the City pursuant to a state operating license, the establishment must comply with all City zoning ordinance regulations. The establishment shall only be operated as long as it remains in compliance with all City zoning ordinance regulations.
6. Prior to operating an authorized marihuana establishment within the City pursuant to a state operating license, the establishment must comply with all City and County construction and building ordinances, all other City ordinances specifically regulating marihuana establishments, and generally applicable City police power ordinances. The establishment shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
7. An authorized marihuana establishment shall consent to inspection of the facility by City officials and/or by the City Police Department, upon reasonable notice, to verify compliance with this ordinance.
8. If at any time a licensed marihuana establishment violates this ordinance, the City 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 City license and the license shall be available to the next applicant in consecutive time and date-stamped order as provided for in Subsection 3 of Section III of this ordinance.
9. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any licensed marihuana establishment a vested right, license, privilege, or permit to continued authorization from the City for operations within the City.

10. A marihuana establishment license issued under this ordinance is not transferrable or assignable.

11. The City 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 authorized marihuana establishments authorized to operate within the City.

12. This ordinance does not restrict the transportation of marihuana through the City of Reading.

SECTION V

MARIHUANA ESTABLISHMENT FEE AND LICENSE RENEWAL

1. There is hereby established an initial nonrefundable City marihuana establishment fee in the amount of \$4,000 for each application submitted for a marihuana establishment license within the City, to help defray administrative and enforcement costs associated therewith. In the event that a license is granted, the licensee shall thereafter pay an annual marihuana establishment fee of \$3,600, payable each year upon the renewal of the license as provided in this ordinance, said fee to help defray administrative and enforcement costs associated therewith.

2. A marihuana establishment license issued under this ordinance shall be valid for one year from the date of issuance of full authorization by the City, unless earlier revoked as provided by law.

3. A valid marihuana establishment license may be renewed on an annual basis by submitting a renewal application upon a form provided by the City and payment of the annual marihuana establishment fee provided for in Section V of this ordinance. The application to renew the license shall be filed at least thirty (30) days prior to the date of its expiration.

4. Applications for a marihuana establishment license under this ordinance shall be subject to the following:

a) After submission to the Clerk of a fully-completed initial application for the issuance of a new license, and departmental verification as provided for in subsection c) below, the application shall be reviewed and evaluated by the Planning Commission, which shall make a recommendation for or against approval of the application to the City Council, and the City Council shall thereafter consider and either approve or reject the application. Approval of the application by the City Council shall result in a conditional authorization in favor of the applicant, pursuant to Section III of this ordinance. Upon the submission to the Clerk of a fully-completed application for the renewal of an existing marihuana establishment license, the license will be submitted to and automatically renewed by City Council for one (1) year upon verification that:

- 1). there are no uncured administrative violations in the prior year;
- 2). the applicant has paid the annual licensing fee for the renewal period;
- 3). any Stakeholder changes have been fully disclosed to City;

- 4). the applicant has paid and received the renewal of its state license; and
- 5). at the time of renewal the licensed establishment is in material compliance with all applicable state and local statutes, ordinances, codes, and regulations.

b) An application for a marihuana establishment license pursuant to this ordinance shall contain the following:

- 1). The required application fee;
- 2). If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government-issued photo identification, email address, and one or more phone numbers, including emergency contact information;
- 3). If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers for each partner/shareholder/member or other individual with an ownership or equity interest in the applicant organization (each being a "Stakeholder"), including designation of the highest ranking Stakeholder as an emergency contact person along with emergency contact information for the emergency contact person. The organization shall also provide copies of its formation documents (including, but not limited to, its articles of association/organization, partnership agreement, corporate by-laws, operating agreement, etc.), any assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, or such other documents relating to the ownership, management, structure, and operation of the organization as may be deemed relevant to the application in the City's reasonable discretion.
- 4). The name and address of the proposed marihuana establishment and any additional contact information deemed necessary by the Clerk;
- 5). For an individual applicant, or for each Stakeholder of an organizational applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged, any criminal offense under the laws of any jurisdiction for either a felony involving a controlled substance or a related misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise (a "Disclosable Event"). For any such Disclosable Event, the applicant shall include: the date of the event; the name and location of the court, arresting agency, and prosecuting agency; the case caption, docket number, citation number, or file number, if any; the nature of the offense; and the disposition, including the location and length of any incarceration.
- 6). A signed release authorizing the City of Reading Police Department to perform a criminal background check on the applicant, each Stakeholder of the applicant, and each employee of the applicant;

- 7). The name, date of birth, physical address, copy of photo identification, and email address for any current or prospective employee of the proposed marihuana establishment, if other than the applicant or a Stakeholder;
- 8). An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in 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, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;
- 9). One of the following: (a) proof of ownership of the entire premises wherein the proposed marihuana establishment is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this ordinance along with a copy of the lease for the premises;
- 10). A description of the security plan for the marihuana establishment, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each piece of security equipment;
- 11). A floor plan of the proposed marihuana establishment, as well as a scale diagram illustrating the property upon which the marihuana establishment is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;
- 12). An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. The affidavit shall specifically state that the individual applicant or each Stakeholder of an organizational applicant has not failed to pay any property taxes, special assessments, fines, fees, or other financial obligations owed to the City;
- 13). An affidavit that the transfer of marihuana to and from the proposed marihuana facilities shall be in compliance with the Michigan Regulation and Taxation of Marihuana Act and all other applicable state and local statutes, ordinances, codes, rules, and regulations.
- 14). A staffing plan for the proposed marihuana establishment;
- 15). Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana establishment;
- 16). A business plan for the proposed marihuana establishment;
- 17). A location area map of the proposed marihuana establishment and surrounding area that identifies the relative locations and the distances (closest property line to

the subject marihuana establishment's building) of the proposed marihuana establishment to the closest real property comprising a public or private elementary, vocational, or secondary school; or library;

18). A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;

19). Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the marihuana establishment, but in no event less than the amount required by the State of Michigan for the issuance of a state marihuana establishment license;

20) Copies of any liability and casualty insurance obtained by the applicant with regard to the operation of the proposed marihuana establishment;

21) Reserved for future use

22). If the application is for a grower establishment, the following additional items shall be provided:

i. A grower plan that includes at a minimum a description of the grower methods to be used, including plans for the growing mediums, treatments and/or additives;

ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

iii. An affidavit that all operations will be conducted in conformance with the Michigan Regulation and Taxation of Marihuana Act and all other applicable state and local statutes, ordinances, codes, rules, and regulations, and that the applicant shall not cultivate on the premises of the proposed grower establishment at any one time more than the permitted number of marihuana plants for the class of establishment licensed; and

iv. A chemical and pesticide storage plan that states the names of pesticides and chemicals to be used in the growing operations and where and how any such pesticides and chemicals will be stored in the facility, along with a plan for the disposal of any unused pesticides and chemicals.

c) Upon receipt by the Clerk of a completed application meeting the requirements of this ordinance and confirmation by the Clerk that the number of existing licenses does not exceed the maximum number permitted by this ordinance, the Clerk shall provide a copy of the application to each of the following for their review and approval: the City of Reading Police Department; the Reading Fire Department; the City Code Enforcement

Officer or their designee; the City Zoning Administrator or similar City official; and the City Treasurer or their designee, which shall each determine whether the application appears sufficiently complete and comprehensive, and for review and approval as provided in subsection d) below. Upon verification by each such official that the application appears to be sufficiently complete and comprehensive and upon the written approval of compliance required by subsection d) below, and no sooner, the Clerk shall forward the applications to the Planning Commission for review and recommendation to the City Council.

d) No application for an initial marihuana establishment license shall be approved unless:

- 1). The Reading Fire Department and the Code Enforcement Officer or their designee, have each inspected the plans of the proposed marihuana establishment location for compliance with all laws for which they are charged with enforcement;
- 2). An individual applicant, or each Stakeholder of an organizational applicant, and all employees of the applicant, have passed a criminal background check conducted by the City of Reading Police Department;
- 3). The Zoning Administrator, or similar City official, has confirmed that the proposed location complies with the City's Zoning Ordinance; and
- 4). The City Treasurer or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City.

e) If an applicant for a new or renewal license becomes aware of a material change in any information provided in an application, the applicant shall report the change in the information to the Clerk within ten (10) days of becoming aware of the change.

5. Applications for a license for a marihuana establishment pursuant to this ordinance shall be evaluated consistent with the following:

a) Each application shall be reviewed and assessed with regard to each of the following categories:

- 1). The applicant's experience in operating other similarly-licensed businesses.
- 2). The applicant's general business management experience.
- 3). The applicant's general business reputation.
- 4). The applicant or Stakeholders' integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marihuana facility.
- 5). The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- 6). The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility.

7). Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise.

8). Past convictions of the applicant or any Stakeholder involving any of the following, but limited to:

- i. gambling;
- ii. prostitution;
- iii. weapons;
- iv. violence;
- v. tax evasion;
- vi. fraudulent activity; and
- vii. serious moral turpitude.

9). A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;

10). Whether the applicant or any Stakeholder has filed, or had filed against it, a proceeding for bankruptcy or insolvency within the past seven (7) years;

11). Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;

12). Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;

13). As it relates to operation of a proposed marihuana retail establishment, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed retail establishment.

b) The City Council shall assess each application with regard to the criteria provided for in this ordinance and approve the issuance of a license to an applicant it believes is properly qualified. In the event that applications are received for a type of facility that exceed the total number of licenses available under this ordinance or under applicable state law for that type of facility, the City Council will assess each application and approve the issuance of a license to the applicant(s) that it deems to be the most qualified of the competing applicants pursuant to the criteria set forth in this ordinance.

SECTION VI
VIOLATIONS AND PENALTIES

1. Any person 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 shall be a civil infraction, for which the punishment for a first violation shall be a fine of not less than \$100.00 and not more than \$500.00, in the discretion of the court. The punishment for a second or subsequent violation shall be a fine of not less than \$250.00 and not more than \$500.00, in the discretion of the court. For purposes of this section, “second or subsequent violation” means a violation of the provisions of this ordinance committed by the same person within 12 (twelve) months of a previous violation of the same provision of this ordinance for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the City to proceed at law or in equity with other appropriate and proper remedies.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the City 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 Ordinance Enforcement Officer of the City or by such other person(s) as designated by the City Council from time to time.

SECTION VII
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 marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, as may be amended.

SECTION VIII
EFFECTIVE DATE

This ordinance shall take effect 10 days after publication as provided by the City Charter. The foregoing Ordinance was duly adopted at a meeting of the Reading City Council held on the 14th day of May, 2019.

Melani Matthews, Mayor

Kimberly Blythe, City Clerk/Treasurer

MARIHUANA ESTABLISHMENTS ZONING ORDINANCE

ORDINANCE NO. 2019-03

ADOPTED: May 14, 2019

EFFECTIVE: June 1, 2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF READING TO ALLOW FOR VARIOUS TYPES OF LICENSED MARIHUANA ESTABLISHMENTS AS SPECIAL USES WITHIN CERTAIN ZONING DISTRICTS IN THE CITY, AND TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE APPROVAL AND OPERATION OF SUCH ESTABLISHMENTS AS AUTHORIZED PURSUANT TO ORDINANCE NO. 2019-02 OF THE CITY OF READING AND THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT; AND TO AMEND CERTAIN PROVISIONS OF THE SPECIAL LAND USE APPROVAL PROCESS FOR MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES.

THE CITY OF READING ORDAINS THAT:

Section 152.009(B) of the Reading City Code is hereby amended to amend and add the following definitions:

MARIHUANA means that term as defined in: the Public Health Code, MCL 333.1101, *et seq.*; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *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.*

MARIHUANA ACCESSORIES means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.26421, *et seq.*

MARIHUANA CONCENTRATE means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.26421, *et seq.*

MARIHUANA ESTABLISHMENT means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27901, *et seq.*, and under the City of Reading's Marihuana Establishments Ordinance, including a marihuana grower establishment, marihuana safety compliance facility establishment, marihuana processor establishment, marihuana microbusiness establishment, marihuana retailer establishment, marihuana secure transporter establishment, or any other marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Michigan Regulation and Taxation of Marihuana Act and by the City of Reading under the City's Marihuana Establishments Ordinance.

MARIHUANA ESTABLISHMENT LICENSEE means a person or legal entity holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27901, *et seq.*, and a license issued by the City of Reading pursuant to its Marihuana Establishments Ordinance.

MARIHUANA FACILITY means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*, and under the City of Reading's Medical Marihuana Facilities Ordinance, including a marihuana grower facility, marihuana processor facility, marihuana provisioning center facility, marihuana secure transporter facility, or marihuana 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 Marihuana Act, MCL 333.26421, *et seq.*

MARIHUANA FACILITY LICENSEE means a person or legal entity holding a state operating license issued under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*, and a license issued by the City of Reading pursuant to its Medical Marihuana Facilities Ordinance.

MARIHUANA GROWER ESTABLISHMENT means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, that is a commercial entity located in this state that cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments pursuant to the Ordinance and the Act.

MARIHUANA GROWER FACILITY means a marihuana facility licensee licensed under the City’s Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

MARIHUANA-INFUSED PRODUCT means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana and other ingredients as defined in Section 3(j) of the Michigan Regulation and Taxation of Marihuana Act and in Section 102(l) of the Michigan Medical Marihuana Facilities Licensing Act. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

MARIHUANA MICROBUSINESS means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility establishment, but not to other marihuana establishments.

MARIHUANA OUTDOOR PRODUCTION means growing marihuana 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.

MARIHUANA PROCESSOR ESTABLISHMENT means a marihuana establishment licensee licensed under the City’s Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA PROCESSOR FACILITY means a marihuana facility licensee licensed under the City’s Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a marihuana provisioning center.

MARIHUANA PROVISIONING CENTER means a marihuana facility licensee licensed under the City’s Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center

includes any commercial property where 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 through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*, is not a provisioning center for purposes of this chapter.

MARIHUANA RETAILER means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY means a marihuana facility licensee licensed under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity that receives marihuana from a 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.

MARIHUANA SAFETY COMPLIANCE FACILITY ESTABLISHMENT means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER ESTABLISHMENT means a marihuana establishment licensee licensed under the City's Marihuana Establishments Ordinance and under the Michigan Regulation and Taxation of Marihuana Act to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MARIHUANA SECURE TRANSPORTER FACILITY means a marihuana facility licensee licensed under the City's Medical Marihuana Facilities Ordinance and under the Michigan Medical Marihuana Facilities Licensing Act that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

SECURITY PLAN means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana facility, approved for operation in the City of Reading.

Section 152.045(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

- (1) Radio and television sending or boosting stations;
- (2) Outdoor lawn and garden supplies and equipment;
- (3) Outdoor motor vehicle, trailer, boat sales and service;
- (4) Drive-in theaters;
- (5) Animal clinics and kennels;
- (6) Automobile sales and repair;

(7) Professional offices and services;

(8) Convalescent homes;

(9) Marihuana provisioning center;

(10) Marihuana retailer;

(11) Marihuana microbusiness; and

(12) Other similar and compatible uses as determined by the Planning Commission and approved as a special land use.

Section 152.046(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

(1) Ambulance service;

(2) Automobile service stations;

(3) Automobile repair;

(4) Small animal clinics, except kennels;

(5) Offices;

(6) Marihuana provisioning centers

(7) Marihuana retailers; and

(8) Other similar and compatible uses as determined by the Planning Commission and approved as a special land use.

Section 152.047(B) of the Reading City Code is hereby amended to provide as follows:

(B) *Special land uses.*

(1) All manufacturing actually involved in the conversion, treatment, or processing of raw material or previously processed material into another form;

(2) Bulk fuel storage;

(3) Sewage disposal plants;

(4) Incineration plants;

(5) Airports;

(6) Sanitary landfills;

- (7) Power generating plants;
- (8) Marihuana grower establishment;
- (9) Marihuana grower facility;
- (10) Marihuana processor establishment;
- (11) Marihuana processor facility;
- (12) Marihuana secure transporter establishment;
- (13) Marihuana secure transporter facility;
- (14) Marihuana safety compliance facility;
- (15) Marihuana safety compliance facility establishment;

Section 152.105(F) of the Reading City Code is hereby amended to add subsection (3), providing as follows:

(3) A marihuana grower establishment, marihuana grower facility, marihuana microbusiness, marihuana processor establishment, marihuana processor facility, marihuana provisioning center, marihuana retailer, marihuana secure transporter establishment, marihuana secure transporter facility, marihuana safety compliance facility establishment, and marihuana safety compliance facility, in accordance with the provisions of state law and applicable City ordinance, may be permitted through the issuance of a special use permit pursuant to this section in a district where such facility is allowed as a special land use, provided that:

(a) At the time of the application for a special use permit the applicant must have submitted a completed application to the City for a medical marihuana facility license under the City's Medical Marihuana Facilities Ordinance or for a license under the City's Marihuana Establishments Ordinance and have paid the required application fee in full, must have provided proof that the applicant has applied for and received prequalification from the State of Michigan for a state operating license under either the Michigan Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act, and must be at all times in compliance with the laws of the State of Michigan, applicable City ordinance, and all applicable rules promulgated by the State of Michigan.

(b) The marihuana facility or marihuana establishment must be licensed by the City and by the State of Michigan prior to commencing operation, and must be at all times in compliance with the laws of the State of Michigan, applicable City ordinance, and all applicable rules promulgated by the State of Michigan.

(c) The City may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, the City's Medical Marihuana Facilities Ordinance, the City's Marihuana Establishments Ordinance, or the terms of the special use permit and approved site plan are not met.

(d) A marihuana facility, marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sale of marihuana, may not be permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.

Section 152.106(E) of the Reading City Code is hereby amended to add subsection (4), providing as follows:

(4) In addition to the requirements provided for in subsection (E)(3) above, site plans submitted for a marihuana facility under the City's Medical Marihuana Facilities Ordinance or a marihuana establishment under the City's Marihuana Establishments Ordinance must meet the following minimum requirements:

(a) For all marihuana facilities and marihuana establishments:

i. Maintain a minimum 300 foot setback from all school properties.

ii. Except for marihuana provisioning centers, marihuana retailers, or a marihuana microbusiness, a six (6) foot tall perimeter fence, though fencing requirements may be included as part of the special use permit requirements for marihuana provisioning centers, marihuana retailers, or a marihuana microbusiness where they are located on property adjacent to residential property or where it is otherwise deemed appropriate due to the location of the property.

iii. A satisfactory exterior lighting system.

iv. A satisfactory building security system.

v. A satisfactory on-site security guard program.

vi. An off-site official contact list.

vii. Established hours of operation.

viii. Appropriate signage.

ix. A plan for facility inspection by the City, which shall include no less than an annual comprehensive fire and security inspection.

x. A security plan approved by Planning Commission with the advice of the City Police Department.

xi. All waste and by-products must be securely stored in a locked and enclosed space.

xii. Co-location and stacking of marihuana facility or marihuana establishment licenses as permitted by applicable ordinance and state law, shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in this Chapter.

xiii. Such other conditions as may be suitable for the particular license, or facility to be operated by the marihuana facility or marihuana establishment licensee.

xiv. No outdoor grow facilities or establishments will be allowed

(b) For a marihuana grower facility or marihuana grower establishment, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

ii. For a facility using artificial light for night time growing periods, a plan satisfactorily demonstrating that the marihuana facility or marihuana establishment licensee can contain all artificial light within the interior space of the facility.

(c) For a marihuana processor facility or a marihuana processor establishment, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

ii. No marihuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if occupants of adjoining structures or properties may be disturbed by said noise.

iii. For a facility using artificial light for night time operations, a plan satisfactorily demonstrating that the marihuana facility licensee can contain all artificial light within the interior space of the facility.

(d) For a marihuana provisioning center or a marihuana retailer, in addition to all other applicable requirements:

i. The odor must be managed at the site and by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

This Ordinance shall take effect ten (10) days after publication, as provided by City Charter.

The foregoing Ordinance was duly adopted at a meeting of the Reading City Council held on the 14th day of May, 2019.

Melani Matthews, Mayor
Kimberly Blythe, City Clerk/Treasurer