

City of Portage, Michigan,

Medical Marihuana Permit Application Guidelines

1. **General Description.** The City of Portage Medical Marihuana Facility (MMF) local permit process is comprised of two stages: Stage 1 begins with the submission of a MMF permit application to the City Clerk's Office and concludes with the issuance of a Provisional Medical Marihuana Facility Permit; Stage 2 begins when an applicant submits to the City Clerk's Office a copy of a State Operating License issued by the Medical Marihuana Licensing Board (and other documents), and concludes with the issuance of a City Medical Marihuana Operating Permit (City Operating Permit).
2. **Initial Application Period – Grower and Processor.** The initial application period for those interested in a Provisional Permit for either a Grow or Processor facility will be from Monday, June 18, 2018 until Friday, July 20, 2018. During this time the City Clerk will accept permit applications for Grower and Processor Medical Marihuana Facilities. New MMF permit applications will not be accepted before the opening of the initial application period or after the close of the initial application period. An initial application period for MMF permit applications for Secure Transporters, Safety/Compliance and Provisioning Centers will follow at the discretion of the City Manager.
3. **Submission of Applications; Number of Applications Allowed.** Applicants must submit MMF permit applications in person at the City Clerk's Office, 7900 South Westnedge Avenue during normal business hours (8 a.m. – 5 p.m., M-F). A separate permit application shall be required for each premise from which a medical marihuana facility is operated. Only one (1) application per premise will be accepted. Applicants must be Pre-Qualified by the Michigan Department of Licensing and Regulatory Affairs
4. **Multiple Permits on the Same Premises.** Applicants may not apply for both Grower and Processing Facility permits on the same premises. Applicants may apply for multiple Class C Grower permits on the same premises using the same application, as long as the premises are located in the Industrial Zone. No other combinations of MMF's are allowed on the same site/premises in the City of Portage.
5. **Complete Application Required.** Applicants are required to submit a complete application at initial submittal. Applications will not be reviewed for completeness at the time of submittal. Incomplete applications will be returned to the applicant with deficiencies noted. For the purposes of this section the following elements must be submitted simultaneously in order for an application to be accepted by the City Clerk or his designee: the appropriate permit fee; acceptable verification of applicant identity (photo ID); an application form that is signed by the applicant; and all necessary attachments, disclosures and attestations.
6. **Permit Fee.** The \$5,000 MMF permit fee must be paid in full at the time an application is submitted. Payment can be made with cash, check (made payable to the "City of Portage") and credit card (for an additional fee). The permit application fee is non-refundable.

7. **Order of Processing; Administrative Review Period.** Applications will be reviewed in the order they are accepted by the City Clerk or his designee but are not approved on a “first in time basis.” The City of Portage will review MMF permit applications as soon as is practically possible upon acceptance.
8. **Application Deficiencies; Notification; Ability to Remedy.** If during the administrative review process an application is found to have deficiencies, the City Clerk will notify the applicant via postal mail or electronic message sent to an email address supplied by the applicant for the purpose of communications regarding the application, application process, Provisional Permit, and MMF permit. The applicant is responsible to accurately supply an active email address to the City Clerk. The City is not responsible for any undeliverable emails or mail. The applicant shall have ten (10) business days from the date the mail is sent to correct any and all deficiencies. If the identified deficiencies are not remedied by 5:00 p.m. on the tenth business day the application will be denied.
9. **Application Resubmission Prohibited.** An applicant whose application has been denied due to an uncorrected deficiency may not resubmit the denied application or submit a new application for the same premises and the same facility type(s) until the following application window.
10. **“Eligible” Applications.** MMF permit applications submitted during the initial application period will be considered “eligible” for approval if they fully comply with the requirements of the City of Portage Code of Ordinances and Zoning requirements.
11. **Issuance of Provisional Permits.** At the close of the administrative review period, the City Manager will issue Provisional Permits for all “eligible” applications.
12. **Resolution of Separation Distance Conflicts.** Any MMF permit application that would be otherwise “eligible” for approval except for the minimum separation distances required by the Zoning Code between the MMF proposed by the applicant and the MMF proposed by another applicant will be entered into a lottery to determine which of those applications will be issued a Provisional Permit and which will not.
13. **Lottery Procedure.** All applicants whose proposed licensed facility is less than the minimum spacing distance by the Zoning Code from another proposed licensed facility will be entered in a lottery to determine which applicant will receive a Provisional Permit. The name of each such applicant will be drawn individually in sequence, with each applicant being assigned a number corresponding to the order in which their name was drawn. The lottery will continue until the names of all such applicants are drawn and assigned a number. The location of the medical marijuana facility proposed by the applicant whose name is drawn first in the lottery shall then be reviewed to determine if the proposed location of the applicant will comply with the applicable separation distances for the proposed licensed facility with respect to any proposed licensed facility for which it previously has been determined will be issued a Provisional Permit. If the proposed licensed facility complies with the separation distances with respect to any

proposed facility for which it previously has been determined will be issued a Provisional Permit, the applicant will be issued a Provisional Permit. Otherwise, the applicant will be denied a Provisional Permit. The location of the facility proposed by each of the other applicants will then be evaluated in the same manner and in the same order as their name was drawn to determine compliance with the applicable separation distances, and will be issued a Provisional Permit if the location complies with the separation distances with respect to any proposed licensed premises for which it previously has been determined will be issued a Provisional Permit, and will be denied Provisional Permit if it will not. All lottery drawings shall be conducted publicly by the City Manager or the Manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants in the lottery will be notified of Provisional Permit approvals at a later date.

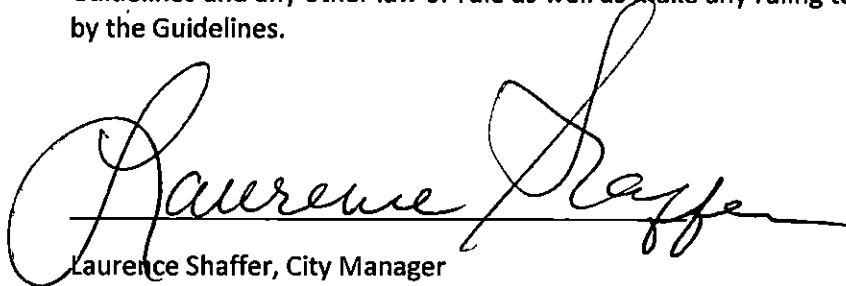
14. Use of Lottery Results to Award Additional Provisional Permits. The City Clerk will maintain a record of the lottery results (the "lottery results list") for one year following the date of the lottery. If during that time: 1) an applicant's Provisional Permit is cancelled or voided; OR if an applicant makes a written request to withdraw their application; OR if a City Operating Permit is revoked; AND 2) the applicant participated in the lottery, the City Clerk shall determine whether the elimination of the cancelled or voided Provisional Permit or revoked City Operating Permit removes a separation distance conflict that caused an applicant to be denied a Provisional Permit during the lottery process. To make this determination the City Manager or his designee shall consult the lottery results, shall identify the first applicant who was denied a license, and shall evaluate whether that applicant's proposed licensed premises will comply with the separation distances with respect to any facility for which a Provisional Permit or City Operating Permit has been issued. If the proposed licensed facility will comply with the separation distances with respect to any proposed licensed premises that has been issued a Provisional Permit or City Operating Permit, the applicant will be issued a Provisional Permit. Otherwise, the applicant will not be issued a Provisional Permit. The location of the facility proposed by each of the other applicants denied a Provisional Permit during the lottery will then be evaluated in the same manner and in the same order as their name was drawn during the lottery to determine compliance with the applicable separation distances, and will be issued a Provisional Permit if the location will comply with the separation distances with respect to any proposed licensed premises that has been issued Provisional Permit or City Operating Permit, and will not be issued a Provisional Permit if it does not. Applicants who participate in the lottery and withdraw their applications after the lottery are not eligible for reevaluation under this rule.

15. Issuance of City Medical Marijuana Facilities Permit. In order to receive a City Medical Marijuana Facility Permit, applicants must be in possession of an unexpired Provisional Permit and successfully complete the inspection required by Section 14-255(c) of the City of Portage Code of Ordinances; submit the following documents to the City Clerk: a copy of a valid State Operating License for the same facility type and premises/location for which the City has granted provisional approval; submit proof of obtaining all permits and approvals required by all applicable ordinances of the city including but not limited to an approved site plan and occupancy permit; and, proof of insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the

insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the City of Portage, its officials, and employees. An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana facilities permit by the city manager.

16. Inspection of Facility. Before issuance of a marihuana facilities permit the city shall conduct an inspection of the proposed marihuana facility to verify that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of the Code of Ordinances and any other applicable law, rule, or regulation. No medical marihuana facilities permit may be issued and no marihuana facility may conduct any business or operations until the inspection is completed and it is determined that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application, marihuana facilities plan, and comprehensive operating plan submitted with the application as well as the approved site plan, and the facility is in compliance with the requirements of this code and any other applicable law, rule, or regulation.

17. Guidelines Supplementary. These Guidelines are intended to supplement and clarify Portage Ordinances and may be modified by the City Manager at any time. Further, the City Manager in his discretion, may interpret the Guidelines to resolve conflicts or inconsistencies between the Guidelines and any other law or rule as well as make any ruling to resolve matters not addressed by the Guidelines.



Laurence Shaffer, City Manager

Dated: Friday, June 15, 2018

APPROVED AS TO FORM
DATE 6/14/2018
RS
CITY ATTORNEY