

Medical Marihuana Facility Permits

Frequently Asked Questions

1. Q: When can I submit an application for a Medical Marihuana Facility (MMF) Permit in the City of Kalamazoo?

A: The application period will open on Monday, December 9, 2019 at 8:00 a.m. and will close on Friday, December 20, 2019 at 5:00 p.m.

2. Q: Do I need to be Prequalified by the state, or do I need to have applied to the state for Prequalification, before I can apply for a City Operating Permit?

A: No. Although many jurisdictions have this requirement, you do **not** need to be Prequalified by the state prior applying for your City of Kalamazoo Operating Permit. In fact, you don't even need to *apply* to the state for Prequalification prior to applying for your City of Kalamazoo Operating Permit. However, please be aware that you *will* be required to provide proof that you have applied to the state within 30 days of receiving a Provisional Approval Certificate from the City.

3. Q: How can I submit an MMF Permit application?

A: MMF Permit applications must be submitted in person at the City Clerk's Office in City Hall, which is located at 241 W. South Street, Room 104.

4. Q: What do I need to submit to the City Clerk? Is there an application form? Where can I get one?

A: In order for the City Clerk to accept your application, you must submit the application form, all required attachments, and the appropriate permit fee(s). In addition, the person submitting the application must show acceptable photo identification. The application form and other information are available on the City's website at <https://www.kalamazoocity.org/medicalmarihuana>.

5. Q: What are the acceptable forms of photo identification?

A: A Michigan Driver's License; a Michigan State Identification Card; a Kalamazoo County Identification Card; a current driver's license issued by another state; a current identification card issued by another state; or a U.S. Passport.

6. Q: What are the permit fees?

A: The annual permit fees are \$3,000 for Provisioning Centers and \$5,000 for all other facility types (grower, processor, secure transporter, and safety/compliance facility).

7. Q: Do I need to pay the full permit fee at the time of application? What are acceptable forms of payment?

A: Yes, the full permit fee must be paid at the time of application. Payment can be made with cash, check (made out to the “City of Kalamazoo”), or credit/debit card. Note: there is a 3% convenience fee for credit/debit card payments. If you are paying by credit card the City Treasurer’s Office closes at 4:30 every day. All card transactions must be completed by that time.

8. Q: Can I operate multiple Medical Marihuana Facilities (MMF’s) on the same site/premise?

A: Growers and Processors may operate on the same site/premise; and multiple Class C Grower permits can be stacked on the same premise as long as that premise is located in Zone M-2. In both cases the applicant must pay the applicable fees for each permit. *No other combinations of MMF’s are allowed on the same site/premise in the City of Kalamazoo.*

9. Q: Can I submit multiple MMF permit applications for a single premise?

A: No. Only one application per site/premise will be accepted.

10. Q: If I can only submit one application per site/premise, how do I apply for both Grower and Processor permits, or multiple Class C Grower permits, on the same premise?

A: The application form includes a section for applicants to indicate the type of MMF permit that is being requested. You should check the boxes in this section for both “Grower” and “Processor” permits. Also, the same section of the application allows you to indicate the number of Class C Grower permits you are applying for. In either case only one application form needs to be submitted. (Note: you must pay the fee for each permit, even though only one application form is used.)

11. Q: I am seeking multiple MMF permits for multiple premises. Do I submit a single application for all of my permits and premises? Or do I need a separate application for each premise?

A: You must submit a separate application for each site/premise.

12. Q: Will the City contact me if there is an issue with my application?

A: Yes. The first opportunity for feedback will be at the front counter when you are presenting your application. City Clerk’s Office staff will do a quick review to make sure you are presenting all of the following elements: 1) the appropriate permit fee; 2) acceptable photo ID from the person submitting the application; 3) an application form that is signed by the applicant with all required sections filled-in; and 4) all necessary attachments as specified on the application. If one or more of these elements is missing

the application will not be accepted. If the application is accepted and one or more deficiencies are found during the administrative review process the Clerk will notify the applicant via email. The applicant will have five (5) business days to correct the deficiency.

13. Q: If I submit information to correct a deficiency in my application within the 5 business day window and the deficiency is not corrected, do I get an additional 5-day window from the time I submit the additional information to correct the correction?

A: No. The deficiency must be fully corrected within the 5-day window.

14. Q: If I submit information to correct a deficiency in my application within the 5 business day window and the deficiency is not corrected, can I submit a new application or resubmit my original application if the application period is still open?

A: No. An applicant whose application has been denied due to an uncorrected deficiency may **not** resubmit the denied application (even if corrected) or submit a new application for the same premises and the same facility type(s).

15. Q: When will the City Clerk begin issuing Provisional Approval Certificates?

A: The City Clerk has 10 days to complete the administrative review process following the close of the initial application period. No Provisional Approval Certificates will be issued until that process is complete. At the conclusion of the 10-day administrative review period the Clerk will issue Provisional Approval Certificates for applications that fully comply with the requirements of Chapter 20B of the Kalamazoo City Code and Sections 4.1, 4.2, and 12.3 of the City of Kalamazoo Zoning Ordinance including, but not limited to, compliance with all buffer zones, setback requirements, and separation distances. Based on the dates of the initial application period, the first Provisional Approval Certificates would be issued around the first week in January.

16. Q: The Zoning Code specifies minimum separation distances between certain types of MMF's – and specifically 1,000 feet between Provisioning Centers. During the application period how is the City going to determine which applicants receive Provisional Approval Certificates when two or more applications have been submitted for premises that are within the separation distances?

A: The City will use a single lottery to determine which applications receive Provisional Approval Certificates in situations where two or more proposed MMF's are within the required separation distance of each other.

17. Q: Who will be entered in the lottery for Provisional Approval Certificates?

A: Applications that otherwise would be eligible for Provisional Approval Certificates **except** for the fact that the locations of their proposed licensed facilities are within the minimum separation distances of the locations of licensed facilities proposed by other

applicants. (In other words, applications where the separation distance conflict with other proposed MMF's is the **only** barrier keeping them from Certificate eligibility.) It should be noted that MMF's with existing, current City Operating Permits and Provisional Approval Certificates are not subject to participation in a lottery. If an applicant applies for a permit at a premise located within the minimum separation distance of any premise/facility that already possesses a current City Operating Permit or Provisional Approval Certificate, that application will be denied.

18. Q: How will the lottery work?

A: The names of all applicants in the lottery will be placed in a container and randomly drawn, and numbers will be assigned to the applicants in the order of drawing (#1 assigned to the first applicant drawn, #2 to the second, etc.). Beginning with the first applicant drawn, staff will evaluate whether the location of that applicant's proposed facility complies with the minimum separation distance requirements relative to the location of proposed facilities that have already received Provisional Approval Certificates. If the location of the applicant's proposed facility complies with the minimum separation distance requirements, that applicant will receive a Provisional Approval Certificate; otherwise, the applicant will be denied a Provisional Approval Certificate. The location of the facility proposed by each of the other applicants in the lottery will then be evaluated in the same manner and in the same order as their names were drawn.

19. Q: What happens to the MMF applications that are not issued Provisional Approval Certificates after the Lottery?

A: Applicants who are denied Provisional Approval Certificates through the lottery process can either withdraw their applications and names from the lottery results list and have the refundable portion of their permit fees returned to them; or they can have the City keep their applications active and maintain their positions on the lottery results list. In the event an applicant who receives a Provisional Approval Certificate through the lottery fails to submit proof to the City Clerk within 30 days that they have submitted their Step 1 or Step 2 application to the state (Sec. 20B-9E), the City Clerk will reevaluate the applicants on the lottery results list, in the order they were drawn, to see if any of them are eligible for a Provisional Approval Certificate.

20. Q: How long will the lottery results list be used to identify Provisional Approval Certificate recipients?

A: The lottery results list will expire as soon as all applicants who have received Provisional Approval Certificates through the lottery have successfully met the requirements of Sec. 20B-9E. Applicants still on the list at that time will have the refundable portion of the permit fee returned to them.

21. Q: Will there be another open application period at some point after the current application period? When might that be?

A: It is unlikely there will be another application period for MMF's in the first half of 2020, as the City currently has a moratorium on adult use marihuana facilities that will end on June 1, 2020. During this time the City will be working on developing regulations and an application process for adult use marihuana facility permits.

22. Q: The City has issued me a Provisional Approval Certificate. What are my next steps?

A: Your next step is to apply to the Marihuana Regulatory Agency (MRA) for a State Operating License. Within 30 days of receiving your Provisional Approval Certificate you must provide proof to the City Clerk that you have applied to the state for either "Prequalification" (Step 1) or for the actual State Operating License (Step 2).

23. Q: How long is my Provisional Approval Certificate valid? Does it expire?

A: Provisional Approval Certificates expire one year from the date of issuance.

24. Q: Can I begin operating my MMF once I have my Provisional Approval Certificate?

A: No. You must have both a State Operating License and City Operating Permit to operate a MMF in the City of Kalamazoo. The Provisional Approval Certificate is simply a tool for signaling to the Michigan Bureau of Medical Marihuana Regulation that the City of Kalamazoo is allowing MMF's to operate in the City and that your proposed facility and its location comply with our local ordinances.

25. How do I get my City Operating Permit?

A: Once you have received your State Operating License, you should submit a copy of your state license to the City Clerk along with the Safety Plan described in Sec. 20B-22 of the City Code; proof of insurance as required in Sec. 20B-10E; and the *Chemical Inventory and Storage Form* required in Sec. 22B-23B of the City Code. (If you have already submitted the *Chemical Inventory and Storage Form* during site plan review process, you do not need to submit this form again.) Upon submission of these documents the Clerk review them. If the documents meet all City ordinance requirements, the Clerk will issue your City Operating Permit. (Note: your Provisional Approval Certificate must be unexpired at the time you submit these documents.)