

City of Kalamazoo Administrative Rules Medical Marihuana Facilities Permit Process

1. **General Description.** The City of Kalamazoo’s 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 Approval Certificate (Provisional Approval Certificate); **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. **Application Period.** An application period will be announced by the City Clerk during which the Clerk will accept permit applications for all five MMF’s (grower, processor, secure transporter, safety/compliance, and provisioning center). New MMF permit applications will not be accepted before the opening of the application period or after the close of the application period.
3. **Submission of Applications; Number of Applications Allowed.** Applicants must submit MMF permit applications in person at the City Clerk’s Office, 241 W. South Street, Room 104 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.
4. **Multiple Permits on the Same Premises.** Applicants may apply for both Grower and Processing Facility permits on the same premises using the same application. 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 Zone M-2. *No other combinations of MMF’s are allowed on the same site/premises in the City of Kalamazoo.* [Sec. 20B-5(F)]
5. **Complete Application Required; Definition.** In accordance with Section 20B-8 of the Kalamazoo City Code, incomplete applications will not be accepted when presented for submission. 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 with all required sections filled-in; and all necessary attachments as specified on the application and in City ordinance.
6. **Permit Fee; Refunds.** The appropriate 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 Kalamazoo”) and credit card (for an additional fee). The permit fee is comprised of refundable and non-refundable portions. The non-refundable portion will not be returned to the applicant under any circumstances. The refundable portion will be returned to the applicant under the following circumstances: 1) the application is rejected or denied according to City Code Section 20B-8; 2) the Provisional Approval Certificate

expires or is cancelled according to City Code Sections 20B-9(D)-(F); 3) an applicant withdraws their application with a written request sent to the City Clerk; or 4) the City determines during the application process that an applicant's proposed licensed facility does not comply with Section 4.2(AA) of the Zoning Code. Regardless of the reason for the refund, the Clerk will return the refundable portion of the application fee after the close of the application period.

7. **Persons Required to Produce Photo Identification.** At the time an MMF permit application is submitted, the person physically submitting the application (defined as the "Applicant" on the application form) must show acceptable photo identification.
8. **Acceptable Forms of Photo Identification.** The following forms of identification will be accepted to fulfill the requirements of Section 20B-7A of the Kalamazoo City Code: 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.
9. **Order of Processing; Administrative Review Period.** Applications will be reviewed in the order they are accepted by the City Clerk or his designee. The City Clerk will review MMF permit applications as soon as is practically possible upon acceptance and shall have 10 business days following the close of the application period to complete the administrative review process.
10. **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 electronic message sent to an email address supplied by the applicant for the purpose of communications regarding the application, application process, Provisional Approval Certificate, 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. The applicant shall have five (5) business days from the date the email is sent to correct any and all deficiencies. If the identified deficiencies are not remedied by 5:00 p.m. on the fifth business day the Clerk will deny the application. [Sec. 20B-7(D); Sec. 20B-8]
11. **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) during the same application period.
12. **"Eligible" Applications.** MMF permit applications submitted during the application period will be considered "eligible" for approval if they 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.

13. **Issuance of Provisional Approval Certificates.** At the close of the 10-day administrative review period, the City Clerk will issue Provisional Approval Certificates for all “eligible” applications.
14. **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 [Section 4.2(AA)] between the MMF proposed by the applicant, and the MMF proposed by another applicant during the same application period, will be entered into a lottery as provided for in Rule 15 to determine which of those applications will be issued a Provisional Approval Certificate and which will not.
15. **Lottery Procedure.** All applicants whose proposed licensed facility is less than the minimum spacing distance required by Section 4.2 (AA) of the Zoning Code from another proposed licensed facility, which was applied for during the same application period, will be entered in a lottery to determine which applicant will receive a Provisional Approval Certificate. 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 in Section 4.2(AA) for the proposed licensed facility with respect to any proposed licensed facility for which it previously has been determined will be issued a Provisional Approval Certificate. 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 Approval Certificate, the applicant will be issued a Provisional Approval Certificate. Otherwise, the applicant will be denied a provisional certificate. 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 of Section 4.2(AA), and will be issued a Provisional Approval Certificate if the location will comply with the separation distances with respect to any proposed licensed premises for which it previously has been determined will be issued a Provisional Approval Certificate, and will be denied provisional certificate if it will not. All lottery drawings shall be conducted publicly by the City Clerk or the Clerk’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.
16. **Use of Lottery Results to Award Additional Provisional Approval Certificates.** The City Clerk will maintain a record of the lottery results until all applicants who have been awarded Provisional Approval Certificates through the lottery process, including the process described in this rule, have successfully met the requirements of Sec. 20B-9E. If an applicant’s Provisional Approval Certificate is cancelled or voided as described in Sec. 20B-9(E); OR if an applicant has made a written request to withdraw their application within 30 days of the issuance of their Provisional Approval Certificate; AND 2) the applicant participated in the lottery described in Rule 15, the City Clerk shall

determine whether the elimination of the cancelled or voided Provisional Approval Certificate removes a separation distance conflict that caused an applicant to be denied a Provisional Approval Certificate during the lottery process. To make this determination the City Clerk 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 Approval Certificate 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 Provisional Approval Certificate or City Operating Permit, the applicant will be issued a Provisional Approval Certificate. Otherwise, the applicant will not be issued a provisional certificate. The location of the facility proposed by each of the other applicants denied a provisional certificate 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 of Section 4.2(AA), and will be issued a Provisional Approval Certificate if the location will comply with the separation distances with respect to any proposed licensed premises that has been issued Provisional Approval Certificate or City Operating Permit, and will not be issued a provisional certificate if it does not.

17. **Proof of Application to the State; Certificate Cancellation for Non-Compliance.** Within 30 days from the issuance of a Provisional Approval Certificate by the City Clerk, the applicant must submit proof to the City Clerk that the applicant has either: 1) applied for prequalification with the State for a state operating license; or 2) submitted full application for a state operating license. If the applicant fails to submit such proof, then the provisional approval will be cancelled by the City Clerk. [Sec. 20B-9(E)]
18. **Final City Inspection.** The MMF inspections described in Sec. 20B-10(B) will be scheduled and coordinated through the City's Community Planning and Economic Development Department (CPED). The Department may waive the requirement for a final inspection if the facility has been inspected recently by CPED staff. The City Clerk will verify the inspection requirements with CPED and will notify the applicant whether a separate final inspection is necessary.
19. **Issuance of City Operating Permit; Required Documentation.** In order to receive a City Operating Permit, applicants must be in possession of an unexpired Provisional Approval Certificate and submit the following documents to the City Clerk: 1) a copy of a valid State Operating License for the same facility type and premises/location for which the City has granted provisional approval; 2) a Security Plan as described in Sec. 20B-22(B); 3) a Hazardous Materials Plan as described in Sec. 20B-23(B); and 4) proof of insurance as required and described in Sec. 20B-10(E). For the Security Plan, applicants should submit a diagram of the video surveillance system and a copy of the plan submitted to MRA to meet the requirements of state Administrative Rule 333.235(1). For the Hazardous Materials Plan, applicants should submit a completed *Chemical Inventory and Storage Form*. The City Clerk will confirm whether this form is already on file with CPED and will notify the applicant if it is not. Documents 2-4 above can be submitted at any time and do not need to be submitted with the State Operating License.