

# CITY OF MILAN, MICHIGAN

## ORDINANCE NO. 2022-07

AN ORDINANCE TO AMEND 2019-03 OF THE CODE OF ORDINANCES AND PROVIDE FOR THE APPLICATION, LICENSING, AND REGULATION OF RECREATIONAL-USE MARIHUANA ESTABLISHMENTS AND TO PROVIDE PENALTIES FOR THE SUSPENSION AND REVOCATION THEREOF.

**The City of Milan hereby ordains:**

### ARTICLE I

#### GENERAL PROVISIONS

##### **Section 1. Title.**

This ordinance is to be known and may be cited as the City of Milan Recreational-Use Marihuana Establishments Ordinance (the “Ordinance”).

##### **Section 2. Purpose and Intent.**

(A) The purpose of this chapter is to exercise the police, regulatory, and land use powers of the City of Milan (the “City”) by providing for the licensing and regulation of recreational-use Marihuana Establishments, so as to protect the public health, safety, and welfare of the residents of the City, and in compliance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018. The City finds that these activities are significantly connected to the public health, safety, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

(B) Further, the purpose of this Ordinance is to:

(1) Authorize the establishment of recreational-use Marihuana Establishments, herein defined, within the City and provide standards and procedures for the review, issuance, renewal, and revocation of City-issued permits for such establishments;

(2) Protect public health and safety through reasonable limitations on commercial Marihuana Establishment operations as they related to noise, air, and water quality, neighborhood and resident safety, security for the Marihuana Establishment and its personnel, and other health and safety concerns; and

(3) Establish a set of rules and regulations which are fair and equitable for those interested in securing a permit allowing for the operation of a Marihuana Establishment (a “Permit”)

(C) Nothing in this Ordinance is intended to grant, nor shall be construed as granting, immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, distribution, or transport of Marihuana in any form, that is not in strict compliance with applicable state law or regulation or local law or ordinance. Moreover, nothing in this Ordinance

creates, nor shall it be construed to create, an exception, defense, or immunity to or for any person with regard to any potential criminal liability the person may have for the production, distribution, or possession of Marihuana under federal law.

**Section 3. Definitions.**

Unless the context clearly requires a different meaning, any term used in this Ordinance that is defined by the Michigan Regulation and Taxation of Marihuana Act (the “Act”) or the Administrative Rules promulgated by the Cannabis Regulatory Agency (the “Rules”) addressing recreational-use Marihuana shall have the definition given that in that Act and those Rules.

“*Applicant*” means a person who applies for a City-issued Permit to operate a Marihuana Establishment in accordance with the terms of this Ordinance and the City’s zoning code.

“*Applications*” means an application created by the City for a Permit to operate a Marihuana Establishment in the City.

“*City*” means the City of Milan.

“*City Council*” means the City Council of the City.

“*Licensee*” means a Person holding a State License.

“*Marihuana Establishment*” means a Grower, Safety Compliance Facility, Processor, Microbusiness, Retailer, Secure Transporter, or any other type of Marihuana-related business licensed by the Department.

“*Class*” means, collectively, Class A, Class B and Class C Growers.

“*MRTMA*” means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018.

“*Premises*” means the location where the Marihuana Establishment will be located.

“*Stakeholder*” means every shareholder, member, partner, or owner of the Applicant. For any requirement under this ordinance to identify or otherwise examine a Stakeholder who is an entity, such requirement shall include any Stakeholders of such Stakeholders, with such any identification continuing until all individual Stakeholders are identified. In the event one or more Stakeholders are an entity which is subject to public reporting requirements by the United States Securities and Exchange Commission, no such Stakeholders are required to be disclosed

“*Zoning Ordinance*” means the City of Milan Zoning Ordinance.

## ARTICLE II

### LICENSING OF RECREATIONAL-USE MARIHUANA ESTABLISHMENTS

#### **Section 4. Permit Required for Operation.**

(A) It shall be unlawful for any Person to operate a Marihuana Establishment in the City unless such Person has first obtained a Permit, possesses a State License in good standing from the Department, and has paid all applicable fees. Permit and State License certificates shall be kept current and publicly displayed within the Marihuana Establishment. Failure to maintain or display current State License and Permit certificates shall constitute a violation of this Ordinance.

(B) An annual nonrefundable fee to defray the administrative and enforcement costs associated with recreational-use Marihuana Establishments located in the City of Milan of not more than \$5,000 per Marihuana Establishment (the "Fee") shall be due and payable with the application for a Permit and upon the application for renewal of any such Permit. That Fee is in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any State regulatory agency, or other City ordinance or local county requirements, including, by way of example, any applicable fees for site plan review, zoning review, inspections, or building permits.

#### **Section 5. Limitation on Permits.**

(A) The maximum number of each of the following Marihuana Establishments permitted within the City is as follows:

<u>Type of Establishment</u>	<u>Number Authorized</u>
Grower	Four
Processor	One
Secure Transporter	One
Retailer	Two, subject to Section 5(C)
Safety Compliance Facility	One

(B) A Person may simultaneously apply for a Permit to operate more than one type of Marihuana Establishment, however a Person may only have one Marihuana Establishment Permit.

(C) The total number of Retailers, when combined with the total number of Provisioning Centers under City ordinance \_\_\_\_\_, shall not exceed two, unless a Person is operating both a Retailer and Provisioning Center in the same Premises, in which case up to two each of Retailer and Provisioning Centers may operate, so long as both the Retailer and Provisioning Center are operating out of the same Premises.

#### **Section 6. Zoning Requirements.**

(A) Specific types of Marihuana Establishments may only be located in the following applicable zoning districts, as each are defined in the Zoning Ordinance. In all such instances, such operations shall be considered a "Conditional Use", subject to the requirements of Article 9 of the Zoning Ordinance:

Type of Establishment	Light Industrial (LI)	General Industrial (GI)	Industrial Research (IR)	General Business (GB)	Highway Services (HS)
Grower	X	X	X		
Processor	X	X	X		
Secure Transporter	X	X	X		
Retailer				X	X
Safety Compliance Facility	X	X	X		

(B) Retailers are also permitted as Conditional Uses within the Downtown Core District (D-1) and Downtown Edge District (D-2) when the Marihuana Establishment is part of a Mixed-Use Development, as each such term is defined in the Zoning Ordinance.

(C) Marihuana Establishments must also satisfy the following minimum distance requirements from the described uses below. Prior to issuing a Permit, the City shall confirm that the Premises meet the following requirements:

(1) Distance from Schools. Marihuana Establishments shall be located a minimum of five hundred (500) feet from public or private nursery, elementary, secondary, or vocational schools; active childcare establishments or organizations (non-home occupation) required to be licensed by the State of Michigan; and public parks that contain playground equipment in existence at the time the Permit is issued.

All minimum distances are measured from the property lines of the property on which the Premises is located to the property lines of the potential properties at issue, as the same exist as of the day a Permit is issued. In the event a Marihuana Establishment desires to move its Premises after a Permit is issued, the Marihuana Establishment must meet these minimum distance requirements before it will be permitted to operate in the new location, despite a Permit having already been issued for the previous Premises.

**Section 7. Requirements and Procedure for Permits.**

(A) Applications for Marihuana Establishments shall be received by the City Clerk during a period specifically designated by the City Clerk for that purpose, and at no other time.

(B) Except as provided in this section, the City Clerk shall be responsible for establishing the procedure for receiving, reviewing and processing Applications, establishing the beginning and ending dates during which Applications will initially be received, establishing the beginning and ending dates during which Applications may be received each year, and providing public notice

regarding the Application/Permitting process and of the time period within which the City will receive Applications.

(C) Any person desiring to secure a Permit shall make application to the City Clerk upon a form provided by the City Clerk. All Applicants must be prequalified for a Marihuana Establishment license by the Department before submitting an Application.

(D) A copy of all Applications received shall be distributed by the City Clerk to any other necessary City departments for review to determine that the Application is complete. All Applications must be submitted by the last day during which Applications are accepted.

(E) Information requested in the Application shall be provided for each Stakeholder of the Applicant;

(F) The Application for a Permit shall include at a minimum the information and documentation listed below under oath:

(1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the Applicant.

(2) All residential addresses of the Applicant for the past three years, if such Applicant is an individual person.

(3) The business, occupation or employment of the Applicant for five years immediately preceding the date of application.

(4) The type of Marihuana Establishment which will be operated.

(5) A copy of the application submitted to the Department for prequalification and documentation evidencing that the Applicant has been prequalified for a Marihuana Establishment license by the Department.

(6) Whether the Applicant has been convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, any offense that would disqualify it from being licensed by the State of Michigan for the activity for which the permit is requested within the past ten years.

(7) Whether the applicant has been convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five years.

(8) Whether the Applicant has previously violated this Ordinance or a substantially similar ordinance in another municipality preceding the date of the Application.

(9) The address of the proposed Premises.

- (10) Proof that the Applicant has or will have lawful possession of the Premises proposed for the Marihuana Establishment for the period during which the Permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the Premises indicating an intent to lease the Premises to the Applicant contingent upon the Applicant successfully obtaining a state operating license and Permit.
- (11) Whether the Applicant holds an elected office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.
- (12) The mailing address and electronic mailing address at which the Applicant desires to receive notification under this ordinance, and phone numbers at which the Applicant desires to be contacted.
- (13) Whether the Applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning marihuana 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.
- (14) Whether the Applicant has an interest in any other Application for a Permit or approved Permit under this ordinance at the time of Application.
- (15) Whether the Applicant has an interest in any other marihuana facility under the MMFLA or Marihuana Establishment under the MRTMA, and if so the type of facility/establishment, name, and location of the facility/establishment the Applicant has an interest in.
- (16) A statement that the Applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Milan in conducting the business in which the Permit will be used, and that a violation may be cause for nonrenewal of a Permit issued under this ordinance, or for revocation of the Permit.
- (17) A statement that the Applicant understands that the issuance of a Permit under this chapter is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, 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., Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and all other applicable rules promulgated by the State of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (18) A statement that the Applicant understands and agrees to be bound by the indemnification provision of this ordinance.

- (19) A statement by the Applicant indicating acceptance of a permit from the City under this ordinance constitutes consent by the permittee, owners, managers and employees to permit a representative of the City to conduct inspections of the Premises to ensure compliance with this ordinance.
- (20) A statement by the Applicant indicating that all Stakeholders consent to criminal history investigations performed by the City Police Department.
- (21) All Marihuana Establishments licensed and permitted to operate in the City shall at all times maintain in full force and effect insurance in amounts and coverage type required by the City Clerk. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the Applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the City of Milan, its officials, and employees.
- (22) Whether the Applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.
- (23) For the Applicant or for each Stakeholder a resume that includes any relevant experience.
- (24) With respect to Marihuana Retailer or a Marihuana Microbusiness, a description of any drug and alcohol awareness programs that will be provided or arranged for by the Applicant and made available for the public including a description of how the public will be made aware of same.
- (25) A written description of the training and education that the Applicant will provide to employees.
- (26) If co-location is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including square footages and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location.
- (27) Plans or strategies for continuing community involvement.
- (28) A comprehensive operating plan for the Marihuana Establishment for which the Application is being submitted. The plan shall include all of the information required for securing a State license pursuant to the Act, the operational standards in this ordinance, as applicable, and the following at a minimum:
- (a) A description of the type of Marihuana Establishment applied for.
  - (b) A security plan for the Marihuana Establishment that addresses all required security measures of the Act and addresses at a minimum the ability to meet the security measures of the Act. The security plan must contain the specific details of each piece of security equipment to be

utilized by the Marihuana Establishment and comply with the provisions of this ordinance, as well as any other applicable provisions of the Act.

(c) An HVAC plan for the Marihuana Establishment describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the Premises.

(d) A staffing plan that addresses the number of persons estimated to be employed at the Marihuana Establishment, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, and purchasing limits, or educational materials.

(e) A marketing plan that at a minimum:

1. Details how the Marihuana Establishment will comply with all municipal chapters and state law regulating signs and advertising;
2. Provides that marihuana products must be marketed or advertised only to adults age 21 and over;

(f) An inventory and record keeping plan.

(g) A scaled conceptual site plan.

(h) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed Premises of the Marihuana Establishment.

(i) For Marihuana Growers, the operational plan shall also include a cultivation plan that includes but is not limited to:

1. The cultivation process or processes that will be used including a description of the grow medium, the equipment, the fertilizer, herbicides and any other chemicals to be used, the quantity stored on site, the related safety data sheets and method of containment/disposal;
2. The estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the Marihuana Establishment, a certification from a licensed master electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the establishment, and a certification from the electrical utility supplying electricity to the Marihuana Establishment that the anticipated electrical loads required for the establishment will not exceed the capacity of the electrical supply system;



3. A waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulations and detailing the measures that will be taken to contain the chemicals/wastewater onsite in the event of an accidental spill;
  4. A plant waste disposal plan that at a minimum:
    - a. Details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
    - b. Provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
    - c. Provides that marihuana product waste shall be disposed of in a secured waste receptacle using one or more of the following:
      - i. A manned and permitted solid waste landfill;
      - ii. A manned compostable materials operation or facility;
      - iii. An in-vessel digester; and
      - iv. Provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
    - d. An air quality plan addressing monitoring, clearance, temperature and humidity control, Co2, ozone, fumigation, and odor mitigation;
    - e. A pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana establishment, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana establishment, and the means of disposing of unused toxic or flammable materials, chemicals, and pesticides.
- (j) For a Marihuana Retailer, the operational plan shall also include:
1. A detailed description of the products and services to be provided.
  2. A comprehensive list of chemicals used on site for marihuana related activities, their quantity, related safety data sheets and method of containment/disposal. A plant waste disposal plan that at a minimum:

- a. Details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
  - b. Provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
  - c. Provides that marihuana product waste shall be disposed of in a secured waste receptacle using one or more of the following:
    - i. A manned and permitted solid waste landfill;
    - ii. A manned compostable materials operation or facility;
    - iii. An in-vessel digester; and Provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
- (k) For a Marihuana Processor, the operational plan shall also include:
- 3. A detailed description of the products to be produced;
  - 4. A comprehensive list of chemicals to be used on site, their quantity, related safety data sheets and method of containment/disposal;
  - 5. A waste water plan that details how wastewater generated during the processing of marihuana products shall be disposed of in compliance with applicable state and local laws and regulation, including delineation of the measures that will be taken to contain the chemicals/wastewater onsite in the event of an accidental spill;
  - 6. A plant waste disposal plan that at a minimum:
    - a. Details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
    - b. Provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
    - c. Provides that marihuana product waste shall be disposed of in a secured waste receptacle using one or more of the following:
      - i. A manned and permitted solid waste landfill;
      - ii. A manned compostable materials operation or facility;

iii. An in-vessel digester; and

iv. Provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

- (29) Any information necessary to enable the City to subject the Application to the competitive process outlined in the permit application evaluation section of this chapter.
- (30) Applicants have a continuing duty to provide the City with up-to-date information and shall notify the City Clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information and changes to any other information the Applicant has provided to the City as a part of the Application within ten days of any such change occurring.
- (31) The City Clerk may from time to time establish other qualifications for the Application and Permit which shall be provided in writing to prospective applicants with the application form.
- (G) Upon the closing of the period during which Applications may be submitted, the Clerk shall review all submitted applications to confirm which meet all of the requirements contained herein. Upon confirmation that an Application meets the requirements of this Ordinance and receipt of the appropriate Fee, and confirmation that the number of existing Permits already granted does not exceed the maximum number established by this Ordinance, the Clerk shall refer a copy of the Application to each of the following for their review and approval: the City attorney, the City treasurer, the Police Department, the Fire Department, the Building Department, and the Zoning Administrator. Once an Application is verified by each department to be sufficiently complete and comprehensive, the City shall forward the Application to the Planning Commission for review and recommendation to the City Council.
- (H) No Application shall be approved unless:
- (1) The Fire Department or designee and the Building Department have inspected the plans of the proposed Premises for compliance with all laws for which they are charged with enforcement;
- (2) The Police Department has confirmed that the Applicant, each Stakeholder of the Applicant, and each managerial employee has passed a criminal background check and have met the requirements of this Ordinance with respect to the Marihuana Establishment's security plan;
- (3) The Zoning Administrator has confirmed that the proposed Premises complies with the Zoning Code; and
- (4) The Treasurer has confirmed that the Applicant and each Stakeholder of the Applicant are not in default to the City.

**Section 8. Permit Application Evaluation.**

(A) If, at the end of a window, the number of Applications for a Permit for a type of Marihuana Establishment exceeds the number of available licenses, the City shall decide among Applications by a competitive process intended to select the Applicant(s) who are best suited to operate in compliance with MRTMA within the City.

(B) The City Administrator, or its designee, shall assess, evaluate, score and rank all Applications submitted and considered complete at the closing of the window for submitting such Applications, as according to the provisions of this Ordinance. No Application shall be accepted for assessment, evaluation, scoring, and ranking unless such Application contains the approvals required by Section 7 of this Ordinance and MCL 333.27959.4, as may be amended.

(C) The Applicants and their Applications will be ranked in the order of which is best suited to operate in compliance with MRTMA within the City as determined by the City Council or its designee. This ranking will be used to fill available Permit slots, starting with the best-suited Applicant and Application, until all available City license slots are filled. A scoring evaluation shall be used to assist the City in determining the best suited and qualified Applicant for Permit. Applicants who score the highest on such evaluations will be considered the best suited applicant.

(D) In its Application assessment, evaluation, scoring, and ranking, deliberations, the City Administrator, or its designee, shall assess, evaluate, score, and rank each Application based upon a scoring and ranking procedure developed by the City Administrator, or its designee, consistent with the requirements, conditions, and provisions of this in each ordinance of the following categories:

- (1) The Applicant's experience in operating other similarly licensed businesses. For purposes of this subsection (b) only, similarly licensed businesses shall include only Marihuana Establishments and Medical Marihuana Establishments, as defined within City ordinance 2022-07, operated by the Applicant and licensed by the Department.
  - a. 0 years' experience shall be assigned 0 points.
  - b. Between 0 to 3 year of experience shall be assigned 10 points.
  - c. Between 3 to 5 years of experience shall be assigned 40 points.
  - d. More than 5 years of experience shall be assigned 50 points
  
- (2) The financial ability of the Applicant to operate the Marihuana Establishment.
  - a. An Applicant providing proof of less than \$250,000 of estimated operating capital shall be assigned 0 points.
  - b. An Applicant providing proof of between \$250,000 and \$500,000 of estimated operating capital shall be assigned 5 points.
  - c. An Applicant providing proof of more than \$500,000 of demonstrated operating capital shall be assigned 10 points.

- (3) Whether the Applicant or any Stakeholder is currently under indictment for or has been arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal felony or controlled substance-related misdemeanor, not including traffic violations, under the laws of any jurisdiction.
  - a. Any Applicant with a demonstrated and/or verifiable criminal activity as described in this subsection shall be assigned 0 points.
  - b. Any Applicant with no demonstrated and/or verifiable criminal activity as described in this subsection shall be assigned 10 points.
- (4) Whether the Applicant has a history of non-compliance with State of Michigan statutes, rules or regulations related to the operations of a business.
  - a. Any Applicant with a demonstrated and/or verifiable non-compliance as described in this subsection shall be assigned 0 points.
  - b. Any Applicant with no record of non-compliance as described in this subsection shall be assigned 10 points.
- (5) Whether the Applicant or Stakeholder has filed, or had filed against it, a proceeding for bankruptcy within the past ten (10) years.
  - a. Any Applicant with a bankruptcy proceeding as described in this subsection shall be assigned 0 points.
  - b. Any Applicant with no record of bankruptcy proceedings as described in this subsection shall be assigned 10 points.
- (6) Whether the Applicant is free of any property tax delinquencies within the City and income tax delinquencies with any state or federal government.
  - a. Any Applicant with a delinquency as described in this subsection shall be assigned 0 points.
  - b. Any Applicant with no record of any delinquency as described in this subsection shall be assigned 10 points.
- (7) Whether the Premises will be located on a parcel which is currently vacant, undeveloped, or otherwise considered a blighted property
  - a. The Premises being in a property which is already existing and is not deemed vacant shall be assigned -30 points
  - b. The Premises being a property which is deemed blighted and is renovated so as to meet applicable regulatory requirements shall be assigned 10 points.
  - c. The Premises being a property at which an existing building is removed, and a new building built in its place shall be assigned 40 points.

- d. The Premises being a property which is vacant as of the time of the Application and shall have a new building constructed upon it shall be assigned fifty (50) points.
- (7.1) If points are awarded under subsections 7(b)-(d), above, then a further points may be awarded if the Premises is housed in a stand-alone building or as part of a larger development, and whether such development also contains residential dwellings.
- a. The Premises being in a stand-alone building which is not either (a) connected to or has exterior walls within ten (10) feet of the next closest commercial or residential building or (b) part of a building in which multiple businesses and/or residences are located shall be assigned 5 points.
  - b. The Premises being in a building which is either (a) connected to or on the same parcel of land as 1 other commercial or residential building, including any shared or “party” walls, (b) part of a building in which multiple businesses and/or residences are located, shall be assigned twenty (20) points.
  - c. The Premises being in a building which is either (a) connected to or on the same parcel of land as 2 other commercial or residential building, including any shared or “party” walls, or (b) part of a building in which multiple businesses and/or residences are located shall be assigned thirty (30) points.
  - d. The Premises being in a building which houses both commercial and residential uses shall be assigned forty (40) points.
- (8) Whether the Premises exceeds aesthetic requirements related to the building and landscaping
- a. The Premises exceeding the total square footage of landscaping required by one or more zoning ordinances by at least 25% shall be assigned twenty (20) points.
  - b. The Premises exceeding the total amount of the building façade which is required to be brick, stone or stucco shall be assigned twenty (20) points.
- (9) Whether the Premises has demonstrated building efficiencies in excess of the minimums set forth by one or more state, local or federal minimums.
- a. The Applicant demonstrating that the Premises shall utilize methods to exceed the minimum standards for reducing the spread of any odors outside of the Premises shall be assigned (10) points.
  - b. The Applicant demonstrating that the Premises shall meet or exceed the standards of the current adopted version of the Michigan Energy Code for Commercial buildings shall be assigned five (5) points.

- c. The Applicant demonstrating that the Premises shall be Energy Star certified shall be assigned five (5) points.
- (10) Whether the Applicant has met the following criteria related to the operations of the Marihuana Establishment.
- a. An Applicant providing a staffing plan that includes the hiring of five (5) or more employees in full time positions (defined as 40+ hours per week) shall be assigned eight (8) points.
  - b. An Applicant providing a staffing plan that includes the hiring of fewer than five (5) or more employees in full time positions (defined as 40+ hours per week) shall be assigned four (4) points.
  - c. An Applicant that provides an employee training manual as part of the Application shall be assigned one (1) point.
  - d. An Applicant that provides an employee educational plan focused on providing continuing education to employees related to the operations of Marihuana Establishments and general business practices shall be assigned one (1) point.
  - \* e. An Applicant that provides a marketing plan which is reasonably acceptable to the City demonstrating how the Marihuana Establishment will market any products and/or services to both City residents and those outside the City shall be assigned ten (10) points.
  - \* f. An Applicant that provides a plan which is reasonably acceptable to the City demonstrating how the Marihuana Establishment will engage in volunteer activities to benefit the City and surrounding areas and other means of community involvement shall be assigned twenty (20) points.
  - g. An Applicant that provides a policy and procedure for addressing complaints expressed by residents and businesses surrounding the Premises which is reasonably acceptable to the City shall be assigned ten (10) points.
  - h. An Applicant that provides an inventory and record keeping plan that is compliant with all State of Michigan statutes, rules and regulations shall be assigned ten (10) points.
- (11) Whether the Applicant has met the following criteria related to the creation and providing of a security plan for the Marihuana Establishment.
- a. An Applicant that provides a theft prevention plan in compliance with the laws of the State of Michigan and is reasonably acceptable to the City shall be assigned ten (10) points.
  - b. An Applicant that provides a plan demonstrating the installation and ongoing operation of both interior and exterior video surveillance equipment on a twenty four hour per day basis shall be assigned ten (10) points.

- c. An Applicant that enters into an agreement with the City of Milan Police Department to share security camera footage related to an ongoing investigation into criminal conduct shall be assigned ten (10) points.
  - d. An Applicant that presents a plan to deter and prevent unauthorized entrance into the Marihuana Establishment shall be assigned ten (10) points.
- (E) Only Applications which receive at least Three Hundred Twenty (320) points from the above assessment may be considered for a Permit.

**Section 9. Permits Generally.**

- (A) To the extent permissible under law, all information submitted in conjunction with an Application for a Permit or Permit renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq., including the trade secrets or commercial or financial information exemptions available under Section 13(f) of the Michigan Freedom of Information Act.
- (B) Permit holders may transfer a Permit to a different location upon receiving written approval from the Clerk. In order to request approval to transfer a Permit to a new Premises, the Permit holder must make a written request to the Clerk, indicating the current Premises and the proposed Premises. Upon receiving the written request, the Clerk shall refer a copy of the written request to each of the following for their approval: the City of Milan attorney, the City of Milan treasurer, the Police Department, the Fire Department, the Building Department, and the Zoning Administrator. No Permit transfer shall be approved unless each such individual department or Person gives written approval that the Permit holder and the proposed Premises meet the standards identified in this Ordinance.
- (C) Permit holders may transfer a Permit issued under this Ordinance to a different Person upon receiving written approval by the Clerk. In order to request approval to transfer a Permit to a different Person, the Permit holder must make a written request to the Clerk, indicating the current Permit holder and the proposed Permit holder. Upon receiving the written request, the Clerk shall consider the request as a new Application. Application fees are non-transferable. The City may set a Permit transfer fee by resolution; otherwise, the proposed Permit transferee must submit a Fee as if submitting a new Application.
- (D) Permit holders shall report any other change in the information required by this ordinance to the Clerk within ten business days of the change. Failure to do so may result in suspension or revocation of the Permit.
- (E) A “transfer” includes any change in more than ten percent (10%) of the Permit holder, whether directly or through the change of any Stakeholder, or the ownership of a Stakeholder.



**Section 10. Permit Renewal.**

- (A) A Permit shall run concurrently with the State License issued for the Premises, unless revoked as provided by law.
- (B) Application for a Permit renewal required by this Ordinance shall be made in writing at least 30 days prior to the expiration of an existing Permit, on forms provided by the City.
- (C) The same procedures that govern the application, review, and issuance of a new Permit shall apply to the renewal of an existing Permit.
- (D) Prior to the issuance of a renewed Marihuana Establishment Permit, the Premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Ordinance.

**Section 11. Permit as Revocable Privilege.**

A Permit issued under this Ordinance is a revocable privilege granted by the City and is not a property right. The issuance of a Permit does not create or vest any right, title, franchise, or other property interest.

**Section 12. Permit Denial and Revocation.**

- (A) A Permit issued under this Ordinance may be revoked after an administrative hearing at which the City Council (a “Revocation Hearing”) decides by majority vote to revoke such Permit. Notice of the time and place of the Revocation Hearing and the grounds for revocation must be given to the Permit holder at least five days prior to the date of the Revocation Hearing, by first class mail to the address given on the Application; a Permit holder whose Permit is subject of such Revocation Hearing may present evidence and/or call witnesses at the Revocation Hearing.
- (B) A Permit applied for or issued under this Ordinance may be denied or revoked on any of the following bases:
  - (1) A violation of this Ordinance;
  - (2) Any conviction of a felony under the laws of any jurisdiction within the past five (5) years by the Applicant or any Stakeholder of the Applicant or while licensed under this Ordinance, or any conviction of a controlled substance-related felony by the Applicant or any Stakeholder ever or while licensed under this Ordinance;
  - (3) Commission of fraud or misrepresentation or the making of a false statement by the Applicant, Permit holder, or any Stakeholder of the Applicant or Permit holder while engaging in any activity for which this Ordinance requires a Permit;
  - (4) The Marihuana Establishment is determined by the City to have become a public nuisance or is otherwise operating in a manner detrimental to the public health, safety, or welfare; or

(5) The State of Michigan has denied, revoked, or suspended the Applicant's or Permit holder's State License, or the Applicant or Permit holder has otherwise failed to obtain or maintain a State License pursuant to the MRTMA and applicable rules and regulations.

**Section 13. Penalties and Discipline.**

(A) The City may require an Applicant or Permit holder of a Marihuana Establishment to produce documents, records, or any other material pertinent to the investigation of an Application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for Application denial or permit revocation.

(B) Any person violating this ordinance, including by operation of a Marihuana establishment without a permit issued pursuant to this ordinance, shall be responsible for a civil infraction and shall be subject to a fine of not more than \$500.00 for each day such person violates this ordinance.

(C) All fines imposed under this ordinance shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.

(D) The City may temporarily suspend a Permit without a prior hearing if the Chief of Police for the City that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(E) If the City temporarily suspends a permit without a prior hearing, the permit holder is entitled to a hearing within thirty (30) days after the suspension notice was issued.

(F) If the City does not hold a hearing within thirty (30) days after the date the suspension notice was issued, then the permit shall be automatically reinstated and the suspension vacated.

(G) Nothing in this ordinance shall be deemed to prohibit the city manager or their designee from imposing other penalties authorized by Milan City Code of Ordinances or other ordinance of the City, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

**ARTICLE III**

**MINIMUM OPERATING STANDARDS FOR MARIHUANA ESTABLISHMENTS**

**Section 14. Minimum Operational Standards Applicable to All Marihuana Establishments.**

The following minimum standards shall apply to all Marihuana Establishments within the City:

(A) The Marihuana Establishment shall comply at all times and in all circumstances with the MRTMA, applicable Michigan law, and the general rules of the Department, as they may be amended from time to time. It is the responsibility of the Permit holder to be aware of changes in

the MRTMA, and the City bears no responsibility for failure of the Permit holder to be unaware of changes in the MRTMA.

(B) Consumption and/or use of Marihuana shall be prohibited at, inside, and on the premises of the Marihuana Establishment.

(C) All activity related to the Marihuana Establishment shall be performed indoors inside a building.

(D) The Marihuana Establishment shall be continuously monitored with a surveillance system that includes security cameras. The video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days and be available upon request of the Police Department.

(E) The Marihuana Establishment shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.

(F) All Marihuana shall be contained within an enclosed, secure area.

(G) All persons working in direct contact with Marihuana shall conform to acceptable hygienic practices while on duty, including but not limited to:

(1) Maintaining adequate personal cleanliness;

(2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when their hands may have become soiled or contaminated; and;

(3) Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(H) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination.

(I) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(J) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.

(K) All building fixtures and other establishments shall be maintained in a sanitary condition.

(L) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(M) A Marihuana Establishment shall be free from infestation by insects, rodents, birds, or vermin of any kind.

(N) The Premises shall be open, at all times, to any Department investigators, agents, auditors, or police, without a warrant and without notice to the holder of the Permit, enter the Premises, offices, facilities, or other places of business of a Permit holder, if evidence of compliance or non-compliance with the MRTMA or applicable State laws is likely to be found and consistent with constitutional limitations, for the following purposes:

- (1) To inspect and examine all premises of the Marihuana Establishment;
- (2) To inspect, examine, and audit relevant records of the Permit holder and, if the holder of the permit or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property.
- (3) To inspect the person, and inspect or examine personal effects present in a Marihuana establishment, of any holder of state operating license while that person is present in a Marihuana Establishment; and
- (4) To investigate alleged violations of the MRTMA or applicable State laws.

**Section 15. Minimum Operating Standards for Marihuana Retailers.**

The following minimum standards shall apply to all Marihuana Retailers within the City:

- (A) No Marihuana Retailer shall be open to the public between the hours of 9:00 P.M. and 9:00 A.M.
- (B) A sign shall be posted on the Premises of each Marihuana Retailer indicating that consumption is prohibited on the Premises.
- (C) The public or common areas of the Marihuana Retailer must be separated from restricted or non-public areas of the Marihuana Establishment.
- (D) All Marihuana storage areas within the Marihuana Retailer must be separated from any customer areas by a permanent barrier. Marihuana may be displayed in a sales area.
- (E) Any usable Marihuana remaining on the Premises of a Marihuana Retailer while the Marihuana Retailer is not in operation shall be secured from the public.
- (F) Drive-through windows on the Premises of a Marihuana Retailer shall not be permitted.
- (G) No Marihuana Retailer shall allow the sale, consumption, or use of alcohol or tobacco products on the Premises.
- (H) No Marihuana Retailer shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the

retail center is operated, or any other nuisance that hinders the public health, safety and welfare of the residents of the City.

- (I) The permit required by this Ordinance shall be prominently displayed on the Premises.
- (J) Disposal of Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in non-conformance with State laws.
- (K) All Marihuana shall be packaged and labeled as provided by State laws.
- (L) A Marihuana Retailer and its agents and employees shall require each purchase of Marihuana and Marihuana-related products to display a government-issued photo identification and verify that the prospective purchaser is over twenty-one (21) years of age.
- (M) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (N) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to individuals under the age of 21.
- (O) No Marihuana Establishment shall place or maintain, or cause to be placed or maintained, an advertisement of Marihuana in any form or through any medium within one thousand (1,000) feet of the real property comprising a public or private nursery, elementary, secondary, or vocational school or child care facility, with such restricted area being measured from the property line(s) of the applicable real property
- (P) No Marihuana Retailer shall sell edible Marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain Marihuana.
- (Q) Marihuana Retailers shall not sell or otherwise transfer Marihuana that is not contained in an opaque, re-sealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open.

**Section 16. Minimum Operating Standards for Marihuana Grower Facilities.**

The following minimum standards shall apply to all Marihuana Grower Premises within the City:

- (A) The Marihuana Grower's Premises shall comply at all times and in all circumstances with the MRTMA, other applicable State laws, and the general rules of the Department, as they may be amended from time to time.
- (B) The Marihuana Grower shall maintain a log book and/or database indicating the number of Marihuana plants located on the Premises.
- (C) Each Marihuana plant shall be tagged as required by the MRTMA and other applicable State laws and regulations.

- (D) Any Premises which contains Marihuana shall be enclosed and locked.
- (E) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the Marihuana Grower, growing, or harvesting of Marihuana are located.
- (F) That portion of the Marihuana Grower Premises storing any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with all applicable statutes, codes, and ordinances.
- (G) The dispensing of Marihuana at the Marihuana Grower Premises shall be prohibited.
- (H) All Marihuana Grower Premises shall produce no products other than useable Marihuana intended for human consumption.
- (I) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the Premises as a Marihuana Grower shall be prohibited.
- (J) Venting of Marihuana odors into the areas surrounding a Marihuana Grower's Premises is deemed and declared to be a public nuisance.

**Section 17. Minimum Operating Standards for Marihuana Safety Compliance Facilities.**

The following minimum standards shall apply to the Premises of any Marihuana Safety Compliance Facilities within the City:

- (A) The Marihuana Safety Compliance Facility shall comply at all times and in all circumstances with the MRTMA, other applicable State laws, and the general rules of the Department, as they may be amended from time to time.
- (B) The Marihuana Safety Compliance Facility shall maintain a log book and/or database which complies with the MRTMA and other applicable State laws.
- (C) All Marihuana shall be contained within an enclosed, locked facility.
- (D) There shall be no other accessory uses permitted within the same facility other than those associated with testing Marihuana.
- (E) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a Marihuana Safety Compliance facility shall be prohibited.

**Section 18. Minimum Operating Standards for Marihuana Secure Transporters.**

The following minimum standards shall apply to all Marihuana Secure Transporters within the City:

- (A) The Marihuana Secure Transporter shall comply at all times and in all circumstances with the MRTMA, other applicable State laws, and the general rules of the Department, as they may be amended from time to time.

(B) Consumption and/or use of Marihuana shall be prohibited at a Marihuana Secure Transporter's Premises.

(C) The Marihuana Secure Transporter's Premises shall not be used for any other commercial purpose.

(D) The Marihuana Secure Transporter's Premises shall not be open or accessible to the general public.

(E) All Marihuana stored within the Marihuana Secure Transporter's Premises shall be stored within enclosed, locked receptacles in accordance with the MRTMA.

(F) A Marihuana Secure Transporter shall comply with all of the following:

(1) Each driver transporting Marihuana shall have a chauffeur's license issued by the State;

(2) Each employee who has custody of Marihuana or money that is related to a Marihuana transaction shall not have been convicted of delivery of a controlled substance;

(3) Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of Marihuana;

(4) The Marihuana shall be transported by one or more sealed containers and shall not be accessible while in transit;

(5) A Marihuana Secure Transporter's vehicle shall not bear markings or other indication that it is carrying Marihuana or a Marihuana infused product; and

(6) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(G) No Applicant, Permit holder, Stakeholder or investor with an interest in a Marihuana Secure Transporter may have an interest in a Marihuana Grower, Marihuana Processor, Marihuana Retailer, Marihuana Microbusiness, or Marihuana Safety Compliance Facility.

(H) A Marihuana Secure Transporter shall enter all transactions, current inventory, and other information into the statewide monitoring system as required by the MRTMA and other applicable state law, rules, and regulations.

(I) A vehicle used by a Marihuana Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of Marihuana or Marihuana-infused products to determine compliance with state or local law, rules, and ordinances.

**Section 19. Minimum Operating Standards for Marihuana Processors.**

The following minimum standards shall apply to Marihuana Processors within the City:

- (A) The Marihuana Processor shall comply at all times and in all circumstances with the MRTMA, other applicable State laws, and the general rules of the Department, as they may be amended from time to time.
- (B) All Marihuana Processors shall maintain a log book and/or database which complies with the MRMETA and other applicable State laws.
- (C) All Marihuana shall be tagged as required by the MRTMA or other applicable State laws and regulations.
- (D) Marihuana Processors shall produce no products other than useable Marihuana intended for human consumption.
- (E) The Marihuana Processor's Premises shall be subject to inspection at any time by the Fire Department to insure compliance with all applicable statutes, codes, and ordinances.
- (F) The dispensing of Marihuana at a Marihuana Processor's Premises shall be prohibited.

**Section 20. Repealer.**

Ordinance No. 2019-03, the City of Milan Prohibition of Marihuana Establishments Ordinance, and any other ordinances of parts thereof which conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 21. Severability.**

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**Section 22. Savings Clause.**

The balance of the Code of Ordinances, City of Milan, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 23. Copies to be available.**

Copies of the Ordinance are available at the office of the City Clerk for inspection by, and distribution to, the public during normal office hours.

**Section 24. Effective Date.**



As provided by Section 7-3 of the Milan City Charter, the effective date of this ordinance shall be ten (10) days after its adoption and publication of a summary thereof as required by Subsection 7-4(b) of the Milan City Charter, which summary shall read as follows:

The Milan City Council has approved Ordinance No. 2022-07, which ordinance amends the Milan City Code of Ordinances to permit the operation of adult-use marihuana facilities and to repeal Ordinance No. 2019-03, the City of Milan Prohibition of Marihuana Establishments Ordinance, and any other ordinances of parts thereof which conflict with said ordinance. Printed copies of the full text of Ordinance No. 2022-07 are available for inspection and purchase by the public at the office of the City Clerk during regular business hours, 8:00 a.m. to 4:00 p.m., Monday through Friday. Ordinance No. 2022-07 is effective ten (10) days after adoption and publication of this summary notice.

Adopted and signed this 28th day of November, 2022.

Signed \_\_\_\_\_  
Edward Kolar, Mayor

Signed \_\_\_\_\_  
Lavonna Wenzel, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 2022-07 was published in the Ann Arbor News on the 4<sup>h</sup> day of December, 2022.

\_\_\_\_\_  
Lavonna Wenzel, City Clerk

CITY CLERK'S CERTIFICATE

I certify that the foregoing is a true and complete copy of the Ordinance duly adopted by the City Council of the City of Milan, Counties of Monroe and Washtenaw, State of Michigan, at a regular meeting held on the 28<sup>th</sup> day of November, 2022, the original of which is in my office, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of PA 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

I further certify that the following Members were present at the meeting:

Mayor Ed Kolar, Mayor Pro Tem Mary Kerkes, Councilmembers Dave Baldwin,

Josh Kofflin, Jesse Nie, Christian Thompson, and Shannon Dare Wayne and the following Members were absent:  
None, and that

Member Jesse Nie moved for adoption of the Ordinance and the motion was supported by Member Josh Kofflin.

I further certify that the following Members voted for adoption of the Ordinance:

Mayor Ed Kolar, Mayor Pro Tem Mary Kerkes, Councilmembers Dave Baldwin, Josh Kofflin, Jesse Nie, Christian Thompson, and Shannon Dare Wayne and that the following Members voted against adoption of the Ordinance:  
None.

I further certify that the Ordinance has been recorded in the Ordinance Book and that the recording has been authenticated by the signatures of the Mayor and City Clerk.

\_\_\_\_\_  
Lavonna Wenzel, City Clerk

First Reading **November 14, 2022**

Second Reading **November 28, 2022**

Published **December 4, 2022**

Effective Date **December 8, 2022**