



City of Niles, Michigan  
333 N 2<sup>nd</sup> Street, Suite 301  
Niles, MI 49120  
269-683-4700

# Request for Proposals

## Medical Marihuana Proposers

Proposals are due at the address shown above no later than Friday, December 1, 2017 at 4:00pm EST

City of Niles Designated Contact: Linda Casperson, City Clerk  
Questions must be submitted electronically only, no telephone calls accepted  
Email: [CityClerk@nilesmi.org](mailto:CityClerk@nilesmi.org)

### Introduction

The City of Niles, Michigan (hereafter referred to as “The City”), a duly organized municipality in the State of Michigan, is soliciting proposals from highly qualified medical marihuana businesses seeking licensure within the City limits.

### Submission Instructions

The anticipated schedule for this Request for Proposal is as follows:

RFP Issued: November 14, 2017

Pre-Submission Bidder’s Forum: TBD

Last Date for Questions: TBD

Proposal Due Date: December 1 2017

Projected Award Date: TBD

**Sealed proposals marked “Medical Marihuana Proposal” will be received by the City of Niles in the Office of the City Clerk at 333 N. Second Street, Ste. 301, Niles, Michigan 49120 no later than Friday, December 1, 2017 at 4:00pm EST. Please submit one (1) original and ten (10) copies of your response to this RFP. There are no page limits and no requirements for font, margin and/or paper size. Respondents must also submit a pdf of their proposal on CD or jump drive.**

The City Clerk’s business hours are 8:00am – Noon and 1:00pm to 5:00pm Monday through Friday. Additionally, the City of Niles is closed on most recognized holidays.

All proposals received and date/time stamped by the Niles City Clerk prior to the proposal submittal deadline shall be accepted as timely submitted. No late proposals will be accepted or reviewed. Proposals will be opened promptly at the time and date specified.

The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. Proposers are responsible for informing any commercial delivery service, if

used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service. The City of Niles will in no way be responsible for delays caused by mail delivery or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the City of Niles, or any work performed in connection therewith, shall be borne by the Proposer(s).

The submittal of a proposal by a Proposer will be considered by the City of Niles as constituting an offer by the Proposer to adhere to the medical marihuana Proposer services in the manner outlined in their proposal. A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. **The City of Niles will consider only the latest version of the proposal.**

Requests for additional information or inquiries must be made in writing and received by the City of Niles' designated contact person for this Solicitation. The City of Niles will issue responses to inquiries and may issue changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date. All respondents should carefully monitor the City's website at [www.nilesmi.org](http://www.nilesmi.org) for FAQs and updates to the proposal.

## Definitions

- A. "Acts" means any or any combination thereof of the following Michigan State laws:
  - 1. "Michigan Medical Marihuana Act" or "MMMA" means 2008 IL1, MCL 333.26421 et seq. as, may be amended.
  - 2. "Michigan Medical Marihuana Facilities Licensing Act" or "MMFLA" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended
  - 3. "Michigan Marihuana Tracking Act" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.
- B. "Applicant" means a person who applies for a State operating license. With respect to disclosures in an application, or for purposes of ineligibility for a license, the term applicant includes an officer, director, managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.
- C. "Board" means the medical marihuana licensing board created pursuant to Part 3 of the MMFLA.
- D. "Caregiver" or "Registered primary caregiver" means a registered primary caregiver who has been issued a current registry identification card under the Acts.
- E. "Cultivate" or "Cultivation" means (1) all phases of medical marihuana growth from seed to harvest; and (2) the preparation, packaging, and labeling of harvested usable medical marihuana.
- F. "Department" or "LARA" means or refers to the State of Michigan Department of Licensing and Regulatory Affairs, or its successor agency.
- G. "Grower" means a licensee that is a commercial entity that cultivates, dries, trims, or cures and packages medical marihuana for sale to a processor or provisioning center.
- H. "Licensee" means an individual or legal entity holding a State operating license.
- I. "Medical Marihuana" means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

- J. "Medical marihuana commercial entity" means any and all of the following medical marihuana facilities:
1. a grower
  2. a processor
  3. a secure transporter
  4. a provisioning center
  5. a safety compliance facility
- K. "Marihuana facility" means a location at which a licensee is licensed to operate under the Acts and this Ordinance.
- L. "Marihuana plant" means any plant of the species Cannabis Sativa L.
- M. "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable medical marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused products shall not be considered a food for purposes of the food law, 2000 PA92, MCL 289.1101 et seq.
- N. "Michigan Medical Marihuana Act" or "MMMA" means 2008 IL1, MCL 333.26421 et seq. as, may be amended.
- O. "Michigan Medical Marihuana Facilities Licensing Act" or "MMFLA" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended
- P. "Michigan Marihuana Tracking Act" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.
- Q. "Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, medical marihuana.
- R. "Patient" or "Registered Qualifying Patient" means a qualifying patient who has been issued a current registry identification card under the Acts or a visiting qualifying patient as that term is defined in the Acts.
- S. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- T. "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
- U. "Processor" means a licensee that is a commercial entity that purchases medical marihuana from a grower and that extracts resin from the marihuana or creates a medical marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- V. "Proposer" or "Submitter" or "Respondent": the person, firm, entity or organization submitting a response to this Solicitation.

- W. "Provisioning center" means a licensee that is a commercial entity that purchases medical marihuana or medical marihuana infused product, from a grower or processor and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.
1. Provisioning center includes any commercial property where medical marihuana or medical marihuana infused products are sold at retail to registered qualifying patients or registered primary caregivers.
  2. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Department's medical marihuana registration process in accordance with the Acts is not a provisioning center for purposes of this Ordinance.
- X. "Registry identification card" means that term as defined in the Acts.
- Y. "Rules" mean rules promulgated by the Department in consultation with the Board to implement the Acts.
- Z. "Safety compliance facility" means a licensee that is a commercial entity that receives medical marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results and may return the medical marihuana to the originating medical marihuana facility.
- AA. "Secure transporter" means a licensee that is a commercial entity that stores medical marihuana and transports medical marihuana between medical marihuana facilities for a fee.
- BB. "Solicitation" or "RFP": This Request for Proposals (RFP)
- CC. "State" means Michigan unless otherwise specified.
- DD. "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under the Acts and this Ordinance that allows the licensee to operate as 1 of the following medical marihuana commercial entities, as specified in the license:
1. A grower.
  2. A processor.
  3. A secure transporter.
  4. A provisioning center.
  5. A safety compliance facility.
- EE. "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, Statewide database established, implemented, and maintained by the Department under the Acts, that is available to licensees, law enforcement agencies, and authorized State departments and agencies on a 24-hour basis for all of the following:
1. Verifying registry identification cards.
  2. Tracking medical marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
  3. Verifying in commercially reasonable time that a transfer will not exceed the limit that the

patient or caregiver is authorized to receive under Section 4 of the Michigan Medical Marihuana Act, MCL 333.26424.

FF. "True party of interest" means:

1. For an individual or sole proprietorship: the proprietor and spouse.
2. For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership all general and limited partners and their spouses. For a limited liability company: all members, managers and their spouses.
3. For privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.
4. For a publically held corporation: all corporate officers or persons with equivalent titles and their spouses.
5. For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
6. For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
7. For a trust: the names of the beneficiaries. However, "true party of interest" does not mean:
  - a. A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.
  - b. A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive or bonus program that is not out of the ordinary for the services rendered.

GG. "Usable medical marihuana" means the dried leaves, flowers, plant resin, or extract of the marihuana plant, but does not include the seeds, stalks, and roots of the plant.

HH. "Zoning Ordinance" means the City of Niles Zoning Ordinance:

[http://www.nilesmi.org/document\\_center/department/community%20dev%20program/Zoning/Niles%20Zoning%20Ordinance%20-%20Final%20-%20February%2011%202007.pdf](http://www.nilesmi.org/document_center/department/community%20dev%20program/Zoning/Niles%20Zoning%20Ordinance%20-%20Final%20-%20February%2011%202007.pdf)

#### **Attachments:**

1. City of Niles Medical Marihuana Opt-In (Police Powers) Ordinance
2. City of Niles Zoning Ordinance Amendment
3. City of Niles Special Land Use Application
4. City of Niles Site Plan Review Checklist

#### **Rules, Regulations, and Licensing Requirements**

The Proposer shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, especially those applicable to conflict of interest and collusion. Proposers are presumed to be familiar

with all Federal, State and local laws, ordinances, codes, rules and regulations that may in any way affect the goods or services offered, including, but not limited to:

1. "Michigan Medical Marihuana Act" or "MMMA" means 2008 IL1, MCL 333.26421 et seq. as, may be amended.
2. "Michigan Medical Marihuana Facilities Licensing Act" or "MMFLA" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended
3. "Michigan Marihuana Tracking Act" means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.
4. "Michigan's Public Health Code 333.7410(2)" states that anyone 18 years or older who delivers a Schedule I or II controlled substance or other narcotic drug to another person on or within 1,000 feet of school property or a library shall be punished by a term of prison for at least two years or up to three times the original prison sentence under the law as well as a fine of not more than three times the original fine.

### **Proposal and Contract Expectations and Terms Fees**

Proposers are requested and advised to be as complete as possible in their response. The City reserves the right to 1) contact any proposer to clarify any response; 2) contact any current users of the proposer's services; 3) solicit information from any available source concerning any aspect of the proposal; 4) check references; 5) conduct credit and background checks; and, 6) seek and review any other information deemed pertinent to the evaluation process.

The City reserves the right to cancel this RFP, or to reject, in whole or in part, any and all proposals received in response to this RFP, upon its determination that such cancellation or rejection is in the best interest of the City. The City further reserves the right to waive any minor informalities or the failure of any Proposer to comply therewith, if it is in the public interest to do so. Finally, the City reserves the right to terminate the process at any time, if deemed by the City to be in its best interests.

The City reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.

The City reserves the right not to award a license pursuant to this RFP. Proposals which appear unrealistic in the terms of planning, compliance or economic viability may be rejected.

The City reserves the right to request and evaluate additional information from any respondent regarding respondent's responsibility after the submission deadline as the City deems necessary.

The City may award a provisional license on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the Proposer's best terms from a monetary and technical standpoint. The City reserves the right to enter into negotiations with recommended Proposer. Negotiations shall be conducted with the top ranked Proposers. If, in the event the City and the top ranked Proposer cannot reach an agreement that is in the best interest of the City, the City may elect to cancel negotiations. No Proposer shall have any rights against the City arising from such negotiations or termination thereof.

In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the City's

sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the City's sole discretion, be deemed nonresponsive.

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. A responsive proposal is one which follows the requirements of the RFP, includes all documentation, is submitted in the format outlined in the RFP, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in a proposal being deemed non-responsive.

In submitting a response, the Proposer acknowledges that the City shall not compensate the Proposer for any costs, including and not limited to submission or negotiation costs, costs of preparation, appearances for interviews, and/or travel expenses. It is essential that the Proposers selected will have the financial resources, necessary knowledge, skills and professional experience to implement all aspects of the business operations. All operations are to be performed with the highest degree of professional standards, in compliance with local and State laws, policies, procedures, criteria and requirements.

Due care and diligence has been used in preparation of this information, and it is believed to be substantially correct. However, the responsibility for determining the full extent of the exposure and the verification of all information presented herein shall rest solely with the proposer. The City and its representatives will not be responsible for any errors or omissions in these specifications, nor for the failure on the part of the proposer to determine the full extent of the exposures.

Proposers shall be responsible for informing themselves with respect to all conditions, which might in any way affect the cost or performance of any of the operation. Failure to do so shall be at the sole risk of the Proposer and no relief shall be given for errors or omissions by the Proposer.

The selected proposer shall furnish the City of Niles original Certificates of Insurance evidencing the required coverage on the effective date of the Agreement(s) resulting from this RFP.

By responding to this RFP, the Proposer acknowledges that for any provisional license issued as a result of this RFP, the authority to proceed with the City's licensure process is contingent upon the availability of licenses and verifiable approval from the State of Michigan's Licensing and Regulatory Affairs.

This RFP does not represent a commitment or offer by City to enter into contract, or other agreement with proposer. The proposal and any information made a part of the proposal will become a part of City's official files without any obligation on City's part to return it to the individual proposer. This RFP and the selected Proposers' proposals will, by reference, become a part of any formal agreement between the Proposer and the City resulting from this solicitation.

An authorized representative of the Proposer must sign proposals.

The Proposer shall not collude in any manner or engage in any practices with any other proposer(s), which may restrict or eliminate competition. Violations of this instruction will cause the proposal to be rejected. This prohibition is not intended to preclude joint ventures or subcontracts.

## **Fees**

Applicants must submit a nonrefundable fee of \$2,500 with their proposal for a provisional license. Upon approval by the State, a final fee not to exceed \$2,500 must be submitted prior to starting operations.

## **Submission Requirements**

The following is a description of the minimum information which must be supplied in your proposal. You may give supplementary facts or other materials that you consider may be of assistance in the evaluation.

### **Executive Summary**

Provide a brief summary of your company's approach to the business operations associated with the requested license(s), demonstrate an understanding of the industry and licensure requirements, and approaches to be utilized in performing these services, specifically related to the rules, regulations associated with medical marijuana businesses.

### **Experience**

Describe how long the company has been in business and current structure.

Provide any other names under which the company has done business and the dates it operated under each name and the locations at which it operated under each name.

Describe the experience of the Proposer conducting comparable services.

Provide a list of municipalities with which your company is currently based or has been based within the last five (5) years. If this does not include at least three municipalities, then provide the names of the municipalities for which similar services are being proposed.

For each municipality include:

- The timeframe (beginning and ending dates)
- A brief description your experience
- Annual revenues and expenditures
- The name and contact information of the individuals that approved your occupancy
- Statement or notation of whether Proposer is/was the direct Proposer or subcontractor or sub-Proposer.

The applicant must provide the following information. Any information found to be untrue will result in the rejection of the proposal in its entirety. Such information is required for the applicant, the proposed manager of the medical marijuana commercial entity, and all persons who are true parties of interest in the medical marijuana commercial entity that is the subject of the application:

1. The name, address, date of birth, business address, business telephone number, social security number, and, if applicable, federal tax identification number of every person having any ownership interest in the applicant with respect to which the license is sought;
2. If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable;
3. If the applicant is not the owner of the proposed licensed premises, a notarized Statement from the owner of such property authorizing the use of the property for a medical marijuana facility;
4. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;



5. A “to scale” diagram of the proposed licensed premises, no larger than eleven (11) inches by seventeen (17) inches, showing, without limitation:
  - a. building layout,
  - b. all entryways and exits to the proposed licensed premises,
  - c. loading zones, and
  - d. all areas in which medical marihuana will be stored, grown, manufactured or dispensed.
6. Proof of Insurance. Please submit certification of intent to comply with the following insurance requirements in the form of a certified statement from the proposed insurance vendor.
  - a. A licensee shall at all time maintain full force and effect for duration of the license, workers compensation as required by State law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least A-.
  - b. A licensee shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds.
  - c. The policy shall name the City of Niles and its officials and employees as additional insureds to the limits required by this section.
  - d. A licensee or its insurance broker must certify that it shall notify the City of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect.
  - e. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.
7. Whether an applicant has been indicted for, charged with, arrested for, or convicted of, plead guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.
  - a. Please submit a State of Michigan and/or FBI background check for each owner and employee.
8. A certified statement regarding whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a Statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
9. A certified statement regarding whether an 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 a dispute over

the filings concerning the payment of, any tax required under federal, State or local law, including the amount, type of tax, taxing agency, and time period intervals involved.

10. A description of the type of medical marihuana facility; and the anticipated or actual number of employees, and anticipated capital and economic investments.
11. A certified statement of acknowledgement and consent that the City, including the Niles City Police Department, may conduct a background investigation, including a criminal history check, and that the City may be entitled to full and complete disclosure of all financial records of the medical marihuana commercial entity, which may include any or all records of deposit, withdrawals, balances and loans upon request.

Please note that the City of Niles may request additional information that the City Clerk, Police Chief, Fire Chief, Public Works Director, Zoning Administrator, Building Official, Utilities Manager, City Administrator and/or City Attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application. All requests for additional information must be submitted within the timeframe requested by the City Clerk.

### **Co-located Licenses**

Separation of licensed premises; one building may be used for one or more types of marihuana facilities, provided that the locational requirements and all other standards for each type of medical marihuana facility are satisfied. A grower facility and processor facility are separate medical marihuana commercial entities requiring separate licenses. In addition to all other application requirements for separate premises, each business shall:

1. Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.
2. Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a medical marihuana business and any adjacent business.

### **License Type Specific Requirements**

Please provide proof of or certify compliance with the individual license type as outlined in the City of Niles Opt-in and Zoning Ordinances.

### **General Zoning Submission Requirements**

1. An application for Special Land Use (SLU) Permit from the City of Niles Planning Commission and all required documents and fees.
2. A Site Plan for any license application conducting any exterior construction, rehabilitation or remodeling and all required documents and fees.
3. Operation and Safety/Security Plans;

A comprehensive facility operation plan for the medical marihuana commercial entity which shall contain, at minimum, a safety/security plan indicating how the applicant will comply with the requirements of the City's associated medical marihuana ordinances and any other applicable law, rule or regulation.

- A. The security plan must include, at a minimum, the following security measures:

- 1) Cameras. The medical marihuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to medical marihuana or cash maintained by the medical marihuana business entity. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty-five (45) days in a secure offsite location in the City or through a service over a network that provides on- demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the City of Niles Police Department upon request, and updated within seventy-two (72) hours of any change of such location. Security cameras shall be directed to record only the subject property and may not be directed to public rights-of-ways as applicable, unless required to comply with licensing requirements of the State of Michigan.
- 2) Use of Safe for Storage. The medical marihuana business shall install and use a safe for storage of any processed medical marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of use of a safe so long as the container is affixed to the building structure.
- 3) Alarm system. The medical marihuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four (24) hours a day, seven (7) days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two (72) hours of any change of monitoring company.
- 4) Mold. For grower and processing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the City;
- 5) Lighting. A lighting plan showing the lighting outside of the medical marihuana facility for security purposes and compliance with applicable City requirements;
  - i. The use of any lighting for indoor medical marihuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs) or other fluorescent lighting. All high-density (HID) lighting, including but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, may only be allowed with permission of the City of Niles Utilities Manager or his/her designee.
  - ii. Light cast by fixtures within the building shall not be visible from outside the building.
- 6) Disposal. A plan for disposal of any medical marihuana or medical marihuana-infused product, including any/all byproducts and/or waste products that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
- 7) Ventilation. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana businesses that produce medical marihuana-infused

products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process

- i. Field olfactometry calculates the “Dilution-to-Threshold” (D/T) ratio as:

$$D/T = \frac{\text{Volume of Carbon-Filtered Air}}{\text{Volume of Odorous Air}}$$

- ii. All properties with medical marihuana onsite will maintain a score of seven (7) D/T or less at the property line
  - iii. The building shall be equipped with an activated carbon filtration system or other comparable odor control system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The facility shall not emanate odors at any time that are readily detectible at the property line.
- 8) Hazardous Materials. A description of all toxic, flammable, or other materials regulated by a Federal, State, or local authority that would have jurisdiction over the business if it was not a medical marihuana business, that will be used or kept at the medical marihuana business, the location of such materials, and how such materials will be stored.
- i. No medical marihuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process medical marihuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
  - ii. The City may require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marihuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
- 9) Utility Burden. A Statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility.
- 10) Building Permit. Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the City and have an approved completed application for modification of premises in the form provided by the City.
- 11) Fire Separation Wall. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marihuana facility and any adjacent business or residence.
- 12) Security System. A description of the security plan shall be submitted with the application for a City operating license. The security system, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each facility.
- B. Parking. Provide a parking plan that shall comply with Article 6 of the Zoning Ordinance
- C. Map of proposed location clearly identifying all schools and libraries within 1,000 feet of the proposed location.
- D. Signage. Signage for medical marihuana facilities shall comply with the requirements of Article 7 of the Zoning Ordinance, and the requirements of this subsection. All signage and advertising for a medical marihuana facility shall comply with all applicable provisions of the City’s Zoning Code as amended.

- 1) Where there is a conflict between the standards of Article 7 and the following standards, the more restrictive standards shall control:
  - 2) Only two signs shall be permitted on a parcel containing a medical marihuana facility.
  - 3) Signs located on lots containing medical marihuana facilities shall not be illuminated. Signs with flashing, oscillating or intermittent lights are prohibited.
  - 4) One wall sign affixed to a building containing a medical marihuana facility is permitted and shall not exceed 50 square feet.
  - 5) One pole or monument sign located on a lot containing a medical marihuana facility is permitted and shall not exceed 32 square feet.
  - 6) Warning Signs: There shall be posted in a conspicuous location inside of each facility at least one (1) legible sign containing the content of this section warning that:
    - i. The possession, use or distribution of marihuana is a violation of federal law;
    - ii. It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by marihuana; and
    - iii. No one under the age of eighteen (18) is permitted on the premises
  - 7) In addition, it shall be unlawful for any licensee to:
    - i. Use signage or advertising with the word "marihuana", "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marihuana or any advertising material that would appeal to minors;
    - ii. Advertise in a manner that is inconsistent with the medicinal use of medical marihuana or use advertisements that promote medical marihuana for recreational or any use other than medicinal purposes.
- E. Landscaping. All medical marihuana facilities shall provide landscaping as required by Article 3 Section 316 of the Zoning Ordinance.
- F. Co-located Non-Marihuana. Unless otherwise permitted, public or common areas of the medical marihuana provisioning center must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. No medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.