

**TO AMEND THE CODE OF ORDINANCES, ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES ORDINANCE**

**CITY OF BENTON HARBOR  
BERRIEN COUNTY, MICHIGAN**

**WHEREAS**, the Benton Harbor City Commission approved the establishment of the Medical Marihuana Facilities Licensing Ordinance (MMFLO) on December 18, 2017; and

**WHEREAS**, on November 19, 2018, the Benton Harbor City Commission approved an amendment to the MMLFO to reflect a change in the number of facilities;

**WHEREAS**, on June 3, 2020, the Benton Harbor City Commission approved a second amendment to the MMFO to reflect certain changes in its MMLFO; and

**WHEREAS**, the changes/amendments as recommended by the City’s Legislative Committee and approved in this second amendment to the MMLFO shall be retroactive and relate back to the initial establishment of the City’s MMLFO of December 18, 2017;

**WHEREAS**, the current section of the ordinance reads:

**Section 3 Authorization of Facilities and Fee**

A. The maximum number of each type of marihuana facility allowed in the City of Benton Harbor shall be as follows:

Facility	Number
Grower:	
Class A – 500 Marihuana Plants	3
Class B – 1000 Marihuana Plants	3
Class C – 1500 Marihuana Plants	4
Processor	7
Secure Transporter	3
Provisioning Center	4
Safety Compliance Facility	3

**Section 14 Location of Provisioning Center**

- A. No Provisioning Center shall be located within:
1. One Thousand (1,000) feet of real property comprising a public or private elementary, vocational, or secondary school; or
  2. Five hundred (500) feet of a church or a place of worship.

**WHEREFORE, THE CITY OF BENTON HARBOR ORDAINS:**

**THAT THE SECOND AMENDMENT OF THE MMFLO MODIFIYS AND AMENDS THE FOLLOWING MMFO SECTIONS AND THAT THESE CHANGES SHALL BE RETROACTIVE AND RELATE BACK TO THE INTIAL ESTABLISHMENT OF THE**

**CITY'S MMFLO:**

**Section 3 Authorization of Facilities and Fee**

A. The maximum number of each type of marihuana facility allowed in the City of Benton Harbor shall be as follows:

Facility	Number
Grower:	
Class A – 500 Marihuana Plants	3
Class B – 1000 Marihuana Plants	3
Class C – 1500 Marihuana Plants	4
Processor	7
Secure Transporter	3
Provisioning Center	4*
Safety Compliance Facility	3

\*After the expiration of six (6) months from June 3, 2020 or December 3, 2020, the allowed number of Provisioning Center Permits within the City shall, without further action from the City, be increased by two (2) Permits for a total of six (6) Provisioning Center Permits. Those additional two (2) Provisioning Center Permits shall be awarded from those previous applications reviewed and voted on by the City Commission and previously identified and selected as the two (2) alternates.

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  2. ~~Five hundred (500) feet of a church or a place of worship.~~

**NOW THEREFORE BE IT RESOLVED** that Mayor Muhammad and the Benton Harbor City Commission approves the amendment to the Code of Ordinances, Establishment of Medical Marihuana Facilities Ordinance, effective upon publication and proper notice given to the general public.

**CITY COMMISSION, BENTON HARBOR  
BERRIEN COUNTY, MICHIGAN  
Ordinance # 060320-1**

ATTEST:

  
Its Clerk

By: 

Its Mayor

CERTIFICATE

We, the Mayor (Marcus Muhammad) and City Clerk (Kimberly Thompson) of the City of Benton Harbor, do hereby certify that the foregoing Ordinance was adopted at a special meeting of the City Commission held on June 3, 2020.