

**CITY OF HARPER WOODS  
COUNTY OF WAYNE, STATE OF MICHIGAN**

**ORDINANCE NO: 2021-01**

**RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE**

**FINDINGS AND PURPOSE**

The City intends to issue permits for certain adult use recreational marihuana establishments, and to regulate the same, to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act. The City does not intend that permitting and regulation under this article should be construed as a finding that such establishments comply with any law. By requiring a City Permit and compliance with the requirements of this article, the City intends to protect the public health, safety and welfare by:

- (a) Promoting the safe, regulated manufacturing, production, and sale by state-licensed establishments of adult use recreational marihuana to adults age twenty-one and over, and to ensure the safe access to recreational marihuana to the City's residents of requisite age;
- (b) Discouraging the sale of unsafe and unlicensed adult use recreational marihuana products;
- (c) Specifically prohibiting the granting of special licenses within the City;
- (d) Preserving and protecting the health, safety, and welfare of the residents of the City and the general public by minimizing unsafe and unregulated adult use recreational marihuana production and sale; and
- (e) Establishing standards and procedures by which the siting, operating, and maintaining of an adult recreational marihuana establishment shall be governed.
- (f) It is not the intent of this ordinance to diminish, abrogate, or restrict the protections for adult-use marihuana use found in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. (the "Act").

**THE CITY OF HARPER WOODS, WAYNE COUNTY, MICHIGAN ORDAINS:**

**SECTION 1: TITLE**

This ordinance shall be known as, and may be cited, as the City of Harper Woods Recreational Marihuana Establishments Ordinance ["RME"].

**SECTION 2. REPEAL AND ADOPTION.**

Article XV– MARIHUANA ESTABLISHMENTS is hereby repealed.

New Article XV – RECREATIONAL MARIHUANA ESTABLISHMENTS is adopted as follows:

## **SEC. 12-451. – DEFINITIONS**

Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"). This Article contains many words and phrases that are defined in the MRTMA. As used in this Article, they have the same meaning as provided in the MRTMA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MRTMA, then the definition in the MRTMA shall apply. The following words and phrases are, and mean, as follows:

(1) "Applicant" means a person who applies for a state license: For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:

- A. For an individual or sole proprietorship: the proprietor and spouse.
- B. For a partnership and limited liability partnership: all partners and their spouse.
- C. For a limited partnership and limited liability partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
- D. For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
- E. For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- F. For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- G. For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- H. 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.

(2) "Authorized person" means:

- A. An owner of a marihuana establishment;
- B. The directors, officers, members, partners, and individuals of a marihuana establishment that is a corporation, limited liability company, partnership, or sole partnership.
- C. Any person who is in charge of and on the premises of the marihuana establishment during business hours.

(3) "Child care center" or "day care center" means a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally

described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. All child care centers and day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."

(4) "Competing Retailer and/or Microbusiness Permit Applications" means two or more completing marihuana retailers and/or marihuana microbusinesses permit applications submitted for properties located less than 1,000 feet from each other when submitted during the same twenty-four-hour period, defined as falling between 3:00 p.m. to 2:59 p.m. the following business day.

(5) "Conditional Approval Permit" means 90-day authorization to the applicant to apply for and seek site plan review approval, and building/trade permits. A conditional approval permit does not authorize use of an adult use marihuana establishment.

(6) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

(7) "Department" means the department of licensing and regulatory affairs.

(8) "Designated consumption establishment" means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

(9) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(10) "Licensee" means a person holding a state license pursuant to the MRTMA.

(11) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this article, marihuana does not include:

- A. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- B. Industrial hemp; or
- C. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(12) "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:

1. Class A—not more than 100 marihuana plants;
2. Class B—not more than 500 marihuana plants;
3. Class C—not more than 2000 marihuana plants;
4. Excess marihuana grower—issued to a person who holds 5 stacked Class C licenses

(13) "Marihuana establishment" means a marihuana grower or excess grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, designated consumption establishment or any other type of marihuana-related business licensed by the department.

(14) "Marihuana Microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one years of age or older or to a marihuana safety compliance marihuana establishment, but not to other marihuana establishments.

(15) "Marihuana Processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(16) "Marihuana Retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one years of age or older.

(17) "Marihuana Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(18) "Marihuana Safety Compliance" establishment means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(19) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(20) "Marijuana Regulatory Agency" or "Agency" means a Type I agency within the Department of Licensing and Regulatory Affairs (the "Department") with the powers as set out in MCL 333.27001, including but not limited to, all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967.

(21) "Michigan Regulation and Taxation of Marihuana Act" and "MRTMA" mean Initiated Act 1 of 2018, M.C.L. 333.27951, et. seq.

(22) "Municipality" means the City of Harper Woods.

(23) "Permit" or, unless the context requires a different meaning, "permit" means a recreational marihuana establishment permit that is issued pursuant to section 6 of the Act. (MCL 333.27956) that allows the permittee to operate as one of the following, specified in the permit:

- (A) A marihuana grower.
- (B) A marihuana processor.
- (C) A marihuana secure transporter.
- (D) A marihuana retailer.
- (E) A marihuana safety compliance marihuana establishment.
- (F) A marihuana microbusiness.

(24) "Permit On-site Operator" means a person who generally oversees, manages, and/or supervises operations of the recreational marijuana business and is generally on the site during the majority of each business day of the business.

(25) "Community Pick List" means a City-generated list of desired property and community attributes including but not limited to energy efficiency, aesthetic improvements, recreational, stormwater reduction, etc. for which applicants voluntarily select to incorporate into their permit retailer and/or microbusiness.

(26) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, joint venture or other legal entity in addition to entities included in the definition of "person" in the MRTMA.

(27) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(28) "Process or Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(29) "Provisional License" means a certification provided by the City of Harper Woods to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.

(30) "Recreational Marihuana Establishment" or "Marihuana Establishment" means a marihuana grower, marihuana safety compliance marihuana establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the marihuana regulatory agency as authorized by the Michigan Regulation and Taxation of Marihuana Act (2018).

(31) "Religious Institution" means an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

(32) "Rules" means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, M.C.L.A. 24.201 to 24.328, by the department in consultation with the Agency to implement this act, which shall include, but is not limited to, the Emergency Rules issued under the

administrative procedures act on July 3, 2019.

(33) "School" means a public or private licensed institution where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12.

(34) "State license" or, unless the context requires a different meaning, "license" means a license that is issued by the department under this act that allows the licensee to operate a marihuana establishment.

(35) "Temporary marihuana event" means an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the municipal license during the dates indicated on the municipal license.

#### **Section 12-452. MARIHUANA ESTABLISHMENTS AUTHORIZED; SPECIAL LICENSES PROHIBITED.**

(1) Marihuana Establishments Permitted. Pursuant to the MRTMA, the City of Harper Woods authorizes the operation in the City of the following recreational marihuana establishments, provided they possess a state operating license issued under the MRTMA and they comply with the additional requirements of this ordinance, the Harper Woods Zoning ordinance and all other applicable laws, administrative rules, and ordinances:

- (A) Marihuana grower, including Class A grower; Class B grower; and Class C grower.
- (B) A marihuana processor.
- (C) A marihuana secure transporter.
- (D) A marihuana retailer.
- (E) A marihuana safety compliance marihuana establishment.
- (F) A marihuana microbusiness.

(2) Special Licenses Prohibited. Pursuant to the MRTMA, Section 6(1), the City elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit:

- (A) Designated consumption establishment license.
- (B) Excess marihuana grower license.
- (C) Marihuana event organizer license.
- (D) Temporary marihuana event license.

#### **SECTION 12-453. AUTHORIZATION OF MARIHUANA ESTABLISHMENTS**

1. The city hereby authorizes, subject to the issuance of a municipal license by the city clerk, the following types of marihuana establishments within the boundaries of the city, pursuant to section 6.1 of the Act. The establishments authorized pursuant to this ordinance are relating only to the Act:

- A. Class A Marihuana Grower
- B. Class B Marihuana Grower
- C. Class C Marihuana Grower
- D. MarihuanaProcessor

- E. Marihuana Retailer
- F. Marihuana Safety Compliance Facility
- G. Marihuana Secure Transporter
- H. Marihuana Microbusiness

#### **SECTION 12-454. LICENSE REQUIRED FOR RECREATIONAL MARIHUANA ESTABLISHMENT**

1. It shall be unlawful to operate a marihuana establishment in the City of Harper Woods, without first obtaining a municipal license to operate pursuant to this ordinance, having a validly issued state license in good standing, and having paid all applicable fees.
2. No person who is employed by the city, acts as a consultant for the city or acts as an advisor to the city, and is involved in the implementation, administration or enforcement of this ordinance shall have an interest, directly or indirectly, in a marijuana establishment as described under this Article.

#### **SECTION 12-455. PERMITTED LOCATIONS**

1. All municipal licenses for marihuana establishments shall be issued for a specific physical location, which shall be designated as the licensed premises. The permissibility of a license in a specific location is contingent on the requirements provided in the City of Harper Woods Zoning Code.

#### **SECTION 12-456. BUFFERING REQUIREMENTS**

1. A municipal license for a marihuana establishment shall only be issued if the proposed establishment meets with the following buffering requirements. Marihuana establishments shall not be located within:
  - A. An area zoned exclusively for residential use;
  - B. 500 feet of a school, as measured from the parcel lines of the individual properties;
  - C. 500 feet of a religious institution, as measured from the parcel lines of the individual properties;
  - D. 500 feet of a Substance Abuse Disorder Program licensed by the State of Michigan.

#### **SEC. 12-457 – PROVISIONAL LICENSE; MUNICIPAL LICENSE TO OPERATE RECREATIONAL MARIHUANA ESTABLISHMENT**

1. The city clerk will act to approve or deny an application not later than ninety (90) days from the date the completed application is filed complying with the requirements of Sec. 12-458. If approved, the clerk will issue the applicant a provisional license, which does not convey the ability to operate a recreational marihuana establishment.
2. A provisional license will be accompanied by a completed attestation form, in compliance with the Act and the state rules, specifically the Emergency Rules of July 3, 2019, Rule 8, Section 1(e)(iii), and will facilitate the application process for a state license.
3. At the time the clerk receives verification that the applicant has received a valid state

license, the clerk will provide the applicant with a municipal license, which conveys the ability to operate a recreational marihuana establishment.

4. The issuance of a municipal license or permit under the article does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or city ordinance.
5. The municipal license or permit requirement in this ordinance applies to all marijuana establishments regardless of title and whether operated for profit or not for profit.
6. The municipal license or permit requirement in this ordinance shall be in addition to any other requirement imposed by any other state or local laws, rules, regulation or codes.
7. This ordinance does not apply or regulate any qualified patient or qualified caregiver pursuant to the Michigan Medical Marijuana Act of 2008.
8. The term of municipal licenses or permits shall not exceed one year; fees are not prorated. The permit year shall begin on January 1 in each year and shall terminate on December 31
9. To renew an existing municipal license or permit, the licensee shall submit an application in the same manner as is required to apply for a new permit no sooner the 90 days before the expiration date and no later than 60 days before the expiration date. An application for a permit renewal received after November 1 of each year shall be considered late and will be subject to a late fee in the amount of \$200.00
10. Municipal licenses may be renewed upon receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing.
11. Maintaining a valid state license is a condition for the maintenance of a municipal license under this ordinance and continued operation of a marihuana establishment. A provisional license does not authorize operations until a final license is issued, which will only occur upon issuance of the appropriate state license.
12. Any municipal license or permit issued under this ordinance may not be assigned or transferred in any manner.

## **SECTION 12-458. MUNICIPAL LICENSE APPLICATION**

1. Every applicant for a municipal license to operate a recreational marihuana establishment shall file an application in the office of the city clerk upon a form provided by the clerk. The application shall include:
  - A. The appropriate nonrefundable municipal permit or license application fee, as established by City Council resolution;
  - B. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; driver's license or copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;
  - C. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; driver's license or a copy of government-issued photo identifications; email address; and one or more phone numbers of each person holding ownership interest in the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the



bylaws or shareholder agreement, if a corporation;

D. The name and address of the proposed marihuana establishment;

E. A notice of prequalification status approval from the Department, as defined under the state rules, specifically the Emergency Rules of July 3, 2019, Rule 6, Section 2;

F. A copy of the Special Land Use Permit issued by the City of Harper Woods Planning Commission;

G. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (as measured from the parcel lines of the individual properties) to the closest real property comprising a public or private elementary, vocational or secondary school;

H. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the city, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that the applicant may incur as a result of the violation by the applicant, its stakeholders and agents of those laws, rules, and regulations; and

1. Any other information which may be required by the clerk.

2. No person shall be issued a municipal license without first having obtained from the City of Harper Woods Planning Commission a Special Land Use Permit authorizing the operation of the establishment pursuant to the City of Harper Woods Zoning Code.

3. Upon an applicant's completion of the above-described form and furnishing of all required information and materials, the city clerk shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance.

4. If the application is denied, the clerk shall issue a written notice of denial to the applicant. All communications will be sent by first class mail to the address for the applicant provided on the application.

5. Upon receipt of a completed marihuana establishment application meeting the requirements of this ordinance and confirmation that the issuance of the proposed municipal license would not exceed the maximum number permitted in section 5-3 of this ordinance, the clerk shall refer a copy of the application to each of the following for their review and approval: the police chief or designee, the fire chief or designee, the city treasurer or designee and the zoning administrator or designee.

6. A municipal license will not be granted until the application materials have been reviewed and approved by the Fire Department, which will inspect the plans of the proposed location for compliance with all laws for which they are charged with enforcement, and the fire chief or his designee has conducted all inspections deemed necessary.

7. A municipal permit or license will not be granted until the applicant, and each person holding an ownership interest in the applicant, have passed a criminal background check conducted by the Harper Woods Department of Public Safety.

8. A municipal permit or license will not be granted until the city treasurer verify that the applicant does not owe to the city any taxes or other default.

9. Municipal permit or license holders shall report any other change in the information required by this ordinance to the city clerk within 10 business days of the change. Failure to do so may result in suspension or revocation of the license.

#### **SEC.12-459. LICENSE DENIAL; APPEAL**

1. Should the city clerk deny an application, the applicant shall have 14 days from the mailing of the denial to appeal the denial to the city manager by filing a notice of appeal with the city manager's office. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the clerk, the clerk shall issue a provisional license. Should the city manager affirm the decision of the clerk, the city manager shall issue a written notice affirming the decision. All communications will be sent by first class mail to the address for the applicant provided in the application.

2. The applicant shall have 14 days from the mailing of a decision by the city manager affirming the decision of the city clerk to appeal to the city council. To appeal the decision of the city manager, the applicant must file a notice of appeal with the city clerk. The city council shall hear the appeal at its next regular meeting, but not sooner than seven (7) days from the receipt of the appeal.

#### **SECTION 12-460. MINIMAL OPERATION STANDARDS**

3. The following minimum standards shall apply for marihuana retailers:
- a. No retail establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
  - b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
  - c. The public or common areas of the retail center must be separated from restricted or non-public areas of the establishment.
  - d. Drive-through windows on the premises of a retail establishment shall not be permitted.
  - e. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
  - f. No retail establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
  - g. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

h. No marihuana retailer may refuse representatives of the City Department of Public Safety, Fire Department or Building Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

4. The following minimum standards shall apply to a marihuana grower facility:

- a. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the Act.
- b. 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 grower, growing or harvesting of marihuana are located.
- c. The dispensing of marihuana at the grower facility shall be prohibited.
- d. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - i. Maintaining adequate personal cleanliness;
  - ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated; and
  - iii. 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.
- e. 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 and attractant, harborage or breeding places for pests.
- f. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

5. The following minimum standards for a safety compliance facility shall apply:

- a. Consumption and/or use of marihuana shall be prohibited at the facility;
- b. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.

6. The following minimum standards for processor facility shall apply:

- a. Consumption and/or use of marihuana shall be prohibited at the processor facility.
- b. All activity related to the processing in a facility shall be done indoors.
- c. The dispensing of medical marihuana at the processor facility shall be prohibited.
- d. All persons working in direct contact with marihuana shall conform to 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 the hands may have become soiled or contaminated;
  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.
  4. A processor facility shall produce no products other than useable marihuana intended for human consumption.
7. The following minimum standards for secure transporters shall apply:
- a. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
  - b. Storage of marihuana by a secure transporter shall comply with the following:
    - i. The storage facility shall not be open or accessible to the general public; and
    - ii. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.
8. The following minimum standards shall apply for marihuana microbusinesses:
- a. No microbusiness establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
  - b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness establishment indicating that consumption is prohibited on the premises.
  - c. The public or common areas of the microbusiness must be separated from restricted or non-public areas of the establishment.
  - d. A drive-through window on the premises of a microbusiness shall not be permitted.
  - e. A microbusiness shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
  - f. No microbusiness shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
  - g. No marihuana microbusiness may refuse representatives of the Department of Public Safety the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.
7. The license and permit required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

## **SECTION 12-461. PERMIT/LICENSE REVOCATION**

1. A municipal permit or provisional license issued under this ordinance may be revoked upon the city clerk's determination that grounds for revocation under this ordinance

exist. A permit or license issued under this ordinance may be revoked on any of the following basis:

- a. Any violation of this ordinance;
- b. Revocation of the Special Land Use Permit issued by the Harper Woods City Planning Commission;
- c. Any conviction of delivery of a controlled substance to a minor;
- d. City clerk finding of fraud, misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this ordinance requires a municipal permit or license or in connection with the application for a license or request to renew a municipal permit or license;
- e. The municipal permit or license holder or any of its stake holders is in default to the city personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
- f. The marihuana establishment is determined by the city to have become a public nuisance;
- or
- g. The department has denied, revoked or suspended the applicant's state operating license.

2. Should the city clerk revoke a license, the municipal license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the city clerk, the clerk shall reinstate the license. Should the city manager affirm the decision of the city clerk, he/she shall mail by first class mail a written notice affirming the decision to the address for the municipal license holder contained in the city clerk's records.

3. Should the city manager affirm the revocation of a municipal license by the city clerk, the municipal license holder shall have 14 days from the mailing of the decision of the city manager to appeal the decision to City Council, by filing with the city clerk a written notice of appeal. The City Council shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven (7) days from the receipt of the appeal.

## **SECTION 12-462. PENALTIES AND DISCIPLINE**

1. The City of Harper Woods may require an applicant or municipal permit or license holder 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, license revocation, or discipline.
2. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of \$500, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
3. Any violation of this ordinance may result in revocation, as defined this ordinance.

**SECTION 12-463. RIGHT TO AMEND**

1. The Harper Woods City Council reserves the right to amend or repeal this ordinance in any manner, including prohibiting or limiting the type or number of recreational marihuana establishments and state license types authorized to operate in the City.

**SECTION 12-463. SEVERABILITY**

In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

**SECTION 3. PUBLICATION.**

This ordinance shall take effect 10 days after publication.

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Valerie Kindle, Mayor

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Leslie M. Frank, City Clerk

INTRODUCTION AND FIRST READING: July 12, 2021

SECOND READING AND ADOPTION: August 9, 2021

PUBLISHED: August 19, 2021

EFFECTIVE DATE: August 29, 2021

**CERTIFICATION**

I, Leslie M. Frank, City Clerk of the City of Harper Woods, Wayne County, State of Michigan, do hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City of Harper Woods City Council at their regular Council meeting on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Leslie M. Frank, City Clerk  
City of Harper Woods