

ORDINANCE NO. 80-789

AN ORDINANCE TO AMEND CHAPTER 18 TO PROVIDE A LICENSING FEE FOR MARIHUANA BUSINESSES, PATIENT OPERATIONS, CAREGIVER OPERATIONS, AND PERSONAL RECREATIONAL MARIHUANA ADULT-USE; AMEND CHAPTER 19.5 OF THE CODE OF ORDINANCES RELATING TO CULTIVATING, PROCESSING, TRANSFERRING, SELLING, TESTING, AND TRANSPORTING MARIHUANA

THE CITY OF WARREN ORDAINS:

**SECTION 1.** That Chapter 18, Section 18-18 of the Code of Ordinances of the City of Warren, Michigan,

**WHICH PRESENTLY READS, IN RELEVANT PART, AS FOLLOWS:**

Sec. 18-18 – Fee, insurance and bond schedule.

**IS HEREBY AMENDED TO READ, IN RELEVANT PART, AS FOLLOWS:**

Sec. 18-18 – Fee, insurance and bond schedule.

(56) Marihuana Business fee as established by City Council Resolution.

(57) Marihuana Patient Operation and Caregiver Operation fees as established by City Council Resolution.

(58) Personal Recreational Marihuana Adult-Use fees as established by City Council Resolution.

**SECTION 2.** That Chapter 19.5 of the Code of Ordinances of the City of Warren, Michigan,

**IS HEREBY AMENDED TO READ AS FOLLOWS:**

**Chapter 19.5. MARIHUANA – MICHIGAN MEDICAL MARIHUANA ACT (MMMA) OPERATIONS, MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA) ESTABLISHMENTS, PERSONAL RECREATIONAL MARIHUANA ADULT-USE, AND MEDICAL MARIHUANA FACILITIES LICENSING ACT (MMFLA) FACILITIES**

## **Article I. General Provisions.**

### **Sec. 19.5-1. Short title.**

This ordinance is known and cited as the “marihuana regulatory ordinance”.

### **Sec. 19.5-2. Purpose.**

It is the purpose of this Chapter to promote the health, safety, and welfare of the residents of the City by balancing a person’s medical and recreational right to access and use *marihuana*, and concerns about potential odor, light, mold, explosion, fire, environmental contamination, and security caused by *marihuana cultivation, processing, and use*. The ordinance permits a person to *cultivate, process, and use marihuana* as permitted by *State law*. It regulates only as necessary to protect all residents from the inherent and unique health, safety, and welfare issues that arise from *cultivating, processing, and using marihuana*.

### **Sec. 19.5-3. Applicability.**

This Chapter addresses recreational *marihuana cultivation, processing, testing, transporting, transferring, and selling*, conducted pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (MRTMA); medical *marihuana* cultivation, processing, testing, transporting, transferring, and selling conducted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* (MMFLA); and medical *marihuana cultivation, processing, transferring, and selling* conducted pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* (MMMA). Manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense is illegal under Federal Law, 21 USC 841.

### **Sec. 19.5-4. Cost Recovery.**

To the extent permitted by law, the City may seek to recover costs for an emergency response event related to any marihuana business or facility regulated by this ordinance.

### **Sec. 19.5-5. Confidentiality.**

The City shall observe relevant provisions of the Michigan Freedom of Information Act (FOIA) and relevant provisions of MRTMA, MMLFA, and the MMMA, as amended, with respect to confidentiality of application and other related documents. The City Council shall be entitled to possess or review any application documents but shall also observe any confidentiality requirements in state law.

State law references – MCL 15.243(1)(a); MCL 333.26426(h); MCL 333.27205(4); MCL 333.27959(7), as amended.

### **Sec. 19.5-6. Permission to Inspect.**

- (1) At any time the Building Division, the Police Department, and the Fire Department may inspect the *Marihuana Businesses'*, *Caregiver Operations'* real and personal property (including vehicles, logbooks, other business records, and security camera footage) for compliance with the MMMA, the MMFLA, the MRTMA, the MRA regulations, and this Chapter.
- (2) If a *Caregiver Operation* vehicle, Secure Transporter vehicle, or a vehicle used for a Retail Establishment home delivery is on a *highway*, the Police Department may inspect the vehicle to determine compliance with the MMMA, the MMFLA, the MRTMA, and the MRA regulations and this Chapter.

State law reference – MCL 333.26424b; MCL 333.27208; MCL 333.27503(5)

Legal Reference – Exception to the warrant requirement for pervasively regulated industries.

### **Sec. 19.5-7. Definitions.**

- (1) For purposes of this Chapter, the following definitions apply:

*Administrative Safety Inspection.* A City performed physical inspection of a *Caregiver Operation*, *Patient Operation*, *Personal Recreational Adult-Use*, and *Marihuana Business* to ensure it is complying with Warren Code of Ordinances, Chapter 19.5.

*Caregiver Operation.* A location, other than the *registered qualifying patient's primary residence*, where a *caregiver cultivates, processes, or cultivates and processes medical marihuana* for his/her *registered qualifying patient(s)*, pursuant to the MMMA and the *State medical marihuana* regulations.

*Co-Location.* An Establishment/Facility at which a Licensee operates any combination of the following Establishments/Facilities at the same Premises: (a) Growing Establishment Facility; (b) Processing Establishment Facility; (c) Provisioning Center Facility and Retail Establishment; and (d) Consumption Establishment. A retail Establishment or Consumption Establishment shall only co-locate on the same Premises as a Provisioning Center Facility.

*Consumption Establishment.* A location where a state-licensed Designated Consumption Establishment *Licensee* operates a commercial space for on-site *marihuana* consumption as permitted by the MRTMA and the *State recreational marihuana* regulations.

*Continuous Controlled Security Lighting.* Exterior lights that stay continuously on from sunset to sunrise and are arranged in such a way that they provide overlapping cones of light on the entire *premises*.

*Criminal history.* Any arrests, charges, convictions, including expunged, pardoned, or overturned convictions, for any criminal matter except traffic offenses.

*Cultivate.* The act of growing, harvesting, drying, or separating *marihuana* plants.

*Good moral character.* The propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.

*Growing Establishment/Facility.* A location where a state-licensed medical *marihuana*, recreational *marihuana*, or both medical and recreational *marihuana* Grower cultivates and packages *marihuana* for sale to a Processor *Licensee*, a Retailer *Licensee*, or a Provisioning Center *Licensee*, pursuant to the MMFLA, the MRTMA, and the *State* medical and recreational *marihuana* regulations.

*Highway.* City, county, state maintained roads open to the public for vehicular traffic.

*License Applicant.* A person, including entity owners required to be listed on the *State Operating License* application, applying for a *Municipal License*.

*Licensee.* A person holding a *State Operating License*.

*Limited Access Area.* A building, room, or other contiguous area in a *Marihuana Business* where *marihuana* is *cultivated, processed, or stored*.

*Local Security Contact.* A person who: (1) lives within 30 miles of the City boundaries; and (2) is available at all times to assist emergency responders.

*Major Change.* Change in a *Marihuana Business's* ownership, location, operation plans, or building design that will have a significant detrimental effect on community health, safety, welfare, or economic concerns.

*Marihuana.* Any plant or derivative of the species *Cannabis sativa L.*

*Marihuana Business.* A *Growing Establishment/Facility, Processing Establishment/Facility, Secure Transporter Establishment/Facility, Safety Compliance Establishment/Facility, Provisioning Center Facility, or Retail Establishment*.

*Marihuana Review Committee.* A committee made up of the City Attorney or his/her designee, the Director of Public Service or his/her designee, and three members of City Council as appointed by City Council, for the purposes of reviewing *Provisioning Center Facility* applications.

*Marihuana Concentrate.* The resin extracted from any part of the plant of the *marihuana* plant.

*Microbusiness Establishment.* A single location where a Microbusiness Licensee cultivates 150 plants or less, processes those plants, and transfers the resulting recreational marihuana to either: (1) a person 21 years or older; or (2) a Marihuana Safety Compliance Establishment.

*Minor.* A minor is an individual under the age of 21.

*Minor Change.* A change in a *Marihuana Establishment/Facility's* operations that will not have a significant effect on community health, safety, welfare, or economic concerns. A minor change shall also include any changes to the floor plan of a co-located facility that was approved as a provisioning center by the City Council on October 22, 2019, that also proposed a co-located processor and/or grower facility. Any such changes to the floor plans of the co-located facilities shall not reduce the overall investment or value of the property.

*Municipal License.* A license issued by the City of Warren that permits a person to operate a *Marihuana Business* in the City.

*Municipal Safety and Nuisance Abatement Plan.* A plan, based on the type of *Marihuana Business*, specifying the physical characteristics and operating procedures (including employee training and staffing) that ensures compliance with the Warren Code of Ordinances for: (1) security; (2) air filtration and odor neutralization; (3) fire prevention and suppression; and (4) toxic and chemical storage, disposal, and environmental remediation in case of a spill or other accidental exposure.

*NFPA 1, Fire Code.* The most recent version of the National Fire Protection Association's Fire Code.

*NFPA 55.* The most recent version of the National Fire Protection Association's Compressed Gases and Cryogenic Fluids Code.

*Open Loop Extraction.* A marihuana extraction method in which solvent used to separate the cannabinoid and resin from the raw marihuana plant may be exposed to air.

*Patient Operations.* A location where a *Registered Qualifying Patient* or his/her *Primary Caregiver* cultivates, processes, or cultivates and processes medical *marihuana* in that patient's primary residence for that patient's use only pursuant to the MMMA and the *State* medical *marihuana* regulations.

*Personal Recreational Adult-Use.* Cultivating and processing *marihuana* for personal consumption in that person's primary residence only pursuant to the MRTMA and the *State marihuana* regulations.

*Primary Caregiver.* A person who the *State* has issued a registry identification card as a primary caregiver pursuant to the MMMA.

*Permissible Location.* A property where the *Marihuana Business* is permitted to operate by the Warren Zoning Ordinance and does not have current unpaid blight tickets or current property maintenance, zoning, building, or nuisance violations that remain unresolved or unpaid for longer than 60 days from issuance. This includes all contiguous property with a common *property owner*.

*Premises.* A portion of real property, including buildings and parking lots located on the real property, used by *Marihuana Businesses* or *Caregiver Operations*.

*Processing Establishment/Facility.* A location where a state-licensed medical *marihuana*, recreational *marihuana*, or both medical and recreational *marihuana* Processor *Licensee* obtains *marihuana* from a Grower *Licensee* and extracts resin from the *marihuana* or creates *marihuana*-infused products for sale and transfer in packaged form to a *Provisioning Center Facility* or *Retail Establishment*, pursuant to the MMFLA, the MRTMA, and the *State* medical and recreational *marihuana* regulations.

*Process.* Preparing *marihuana* plants for consumption, including but not limited to: blending, extracting, infusing, manufacturing into usable form.

*Property Owner.* A person with an equitable or legal interest in real property.

*Provisioning Center Facility.* A location where a state-licensed Provisioning Center *Licensee* obtains *marihuana* from a Grower *Licensee* or Processor *Licensee* and sells or otherwise transfers *marihuana* to a *Registered Qualifying Patient*, directly or through the *Registered Qualifying Patient's Primary Caregiver*, pursuant to the MMFLA and the *State* medical *marihuana* regulations.

*Registered Qualifying Patient.* A person who the *State* has issued a registry identification card as a qualifying patient pursuant to the MMMA.

*Responsible party.* A person or entity that is any of the following: the *Licensee*; any person that the *Licensee* employs or compensates for operating or managing the *Marihuana Business*; or a person or entity that has an interest in the *Marihuana Business*.

*Restricted Access Area.* A designated area at a *Provisioning Center Facility* or a *Retail Establishment* where *marihuana* products are sold, possessed for sale, or displayed for sale.

*Retail Establishment.* A location where a state-licensed recreational marihuana Retailer Licensee obtains marihuana from a Grower Licensee or Processor Licensee, and sells or otherwise transfers *marihuana* to individuals who are 21 years of age or older.

*Safety Compliance Establishment/Facility.* A location where a state-licensed medical *marihuana*, recreational *marihuana*, or both medical and recreational *marihuana* Safety Compliance Licensee receives marihuana from another *Marihuana Business, Primary Caregiver, or Registered Qualified Patient* and tests it for contaminants, tetrahydrocannabinol, and other cannabinoids, pursuant to the MMFLA, the MRTMA, and the *State* medical and recreational *marihuana* regulations.

*Secure Transporter Establishment/Facility.* A location where a state-licensed medical *marihuana*, recreational *marihuana*, or both medical and recreational *marihuana* Secure Transporter Licensee stores *marihuana*, pursuant to the MMFLA, the MRTMA, and the *State* medical and recreational *marihuana* regulations.

*State.* State of Michigan.

*State Operating License.* A license issued under the MMFLA, MRTMA, and *State* medical and recreational *marihuana* regulations that allows the *Licensee* to operate one of the following businesses as specified on the license:

- (i) Class A, Class B, Class C, or Excess Recreational Marihuana Growing Establishment.
- (ii) Class A, Class B, Class C Medical Marihuana Growing Facility.
- (iii) Recreational Marihuana Processing Establishment.
- (iv) Medical Marihuana Processing Facility.
- (iii) Recreational Marihuana Safety Compliance Establishment.
- (i) Medical Marihuana Safety Compliance Facility.
- (ii) Recreational Marihuana Secure Transporter Establishment
- (iii) Medical Marihuana Secure Transporter Facility.
- (iv) Recreational Marihuana Retail Establishment.
- (iv) Medical Marihuana Provisioning Center Facility.
- (v) Recreational Marihuana Temporary Marihuana Event.
- (vii) Recreational Marihuana Consumption Establishment.
- (vi) Recreational Marihuana Microbusiness.

*Temporary Marihuana Event.* An event where a Marihuana Event Organizer Licensee oversees onsite sale and consumption of recreational *marihuana*.

(2) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“MMMA”), the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. (“MMFLA”), as amended, the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), MCL 333.27951 et seq., shall have the definition given in those acts; if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA, or MRTMA or if a term is not defined but is defined in the MMMA, MMFLA, or MRTMA then the definition in the MMMA, MMFLA, or MRTMA shall apply.”

## **Article II. Michigan Medical Marihuana Act.**

**Sec. 19.5-8. Requirements for MMMA Patient and Caregiver Operations.** *Qualifying Patients and Primary Caregivers* may *cultivate, process, transport, test, and transfer* medical *marihuana* at *Patient Operation* or *Caregiver Operation*, if they comply with all of the following:

### **(1) General.**

- (a) Submit a *Caregiver* or *Patient Operation* registration form to the Division of Buildings and Safety Engineering.
- (b) Obtain written permission from the *property owner* before *cultivating, processing, or using marihuana* on the property.
- (c) Dispose of the *marihuana* and *marihuana*-related byproducts in an opaque container, in an area not accessible to the public, and in a safe manner that does not clog any sewer system; contaminate the ground, air, or water; or otherwise endanger the public.
- (d) Obtain applicable city permissions, including but not limited to: a certificate of occupancy, a city certification, site plan approval, and required variances.

### **(2) Laws and regulations.**

- (a) Comply with the quantity limits listed in MCL 333.26424 or keep documents on the premises that demonstrate the *Qualifying Patients'* medical needs as described in MCL 333.26428.
- (b) Comply with the prohibitions listed in the MMMA, including butane, liquified petroleum, and carbon dioxide extraction.
- (c) *Cultivate* and *process* the *marihuana* in compliance with all other applicable statutes, ordinances, and regulations.

### **(3) Nuisances.**

- (a) Use a Division of Building and Safety Engineering-approved ventilation system with a filtration component that prevents odors and other airborne nuisances.
- (b) Prevent light trespass beyond the property line.
- (c) Prevent any exterior indication that *marihuana* is being *cultivated* or *processed* on the property.

- (d) Prevent the equipment used to *cultivate* and *process* the *marihuana* from causing radio interference or electrical voltage fluctuation off the property.

**(4) Safety.**

- (a) Pass an annual *Administrative Safety Inspection*.
- (b) Restrict access to the *marihuana* as required by the MMMA.
- (c) Use a Division of Building and Safety Engineering-approved dehumidifying system that prevents water damage, mold, and mold spores.
- (d) For *Patient Operations*, do not use carbon dioxide generators that create carbon dioxide by fossil fuel combustion.

**(5) Caregiver Operations.** In addition to the requirements listed in Section 19.5-8(1), (2), (3), (4), a *Primary Caregiver* operating a *Caregiver Operation* shall:

- (a) Comply with Sections 19.5-11(6), (7), (9)(b) of this Chapter relating to insurance, fire safety, and reporting requirements.
- (b) Install locks and alarm systems that comply with Sections 19.5-13(2) and (4) of this Chapter.
- (c) Maintain a working continuous video surveillance system that is reasonably calculated to record illegal activity that may occur on the *premises*.
- (d) Do not transact any non-*marihuana* related business on the *premises*.
- (e) Do not conduct *marihuana*-related business outside the *Caregiver Operation*, except as permitted by the MMMA.
- (f) When *cultivating* or *processing marihuana*, comply with Sections 19.5-15(1) and (2) of this Chapter.

**Article III. MRTMA Personal Recreational Adult-Use.**

**Sec. 19.5-9. Requirements for MRTMA Personal Recreational Adult-Use.** Persons over the age of 21 years, may *cultivate* and *process* recreational *marihuana* if they comply with all of the following:

**(1) General.**

- (a) Obtain written permission from the property owner before *cultivating*, *processing*, or using *marihuana* on the property.
- (b) Dispose of the *marihuana* and *marihuana*-related byproducts in an opaque container, in an area not accessible to the public, and in a safe manner that does not clog any sewer system; contaminate the ground, air, or water; or otherwise endanger the public.

## **(2) Laws and regulations.**

- (a) Comply with the quantity limits listed in MCL 333.27955.
- (b) Comply with the prohibitions listed in the MRTMA, including butane, liquified petroleum, and carbon dioxide extraction, or other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit.
- (c) *Cultivate* and *process* the *marihuana* in compliance with all other applicable statutes, ordinances, and regulations.

## **(3) Nuisances.**

- (a) Prevent unreasonable or excessive light trespass beyond the property line.
- (a) Prevent any exterior indication that *marihuana* is being *cultivated* or *processed* on the property.
- (b) Prevent the equipment used to *cultivate* and *process* the *marihuana* from causing radio interference or electrical voltage fluctuation off the property.

## **(4) Safety.**

- (a) Pass an annual *Administrative Safety Inspection*.
- (b) Restrict access to the *marihuana* as required by the MRTMA.
- (c) Use a Division of Building and Safety Engineering-approved dehumidifying system that prevents water damage, mold, and mold spores.
- (d) Do not use carbon dioxide generators that create carbon dioxide by fossil fuel combustion.

## **Article IV. MRTMA Establishments and MMFLA Facilities.**

**Sec. 19.5-10. Types.** The City permits the following types of *Marihuana Businesses* in the City:

- (1) *Growing Establishment/Facility*, including Class A, Class B, Class C, stacked Class C, and Excess Growers;
- (2) *Processing Establishment/Facility*;
- (3) *Secure Transporter Establishment/Facility*;
- (4) *Safety Compliance Establishment/Facility*;
- (5) *Provisioning Center Facility*;
- (6) *Retail Establishment*; and
- (7) *Consumption Establishment*.

Cross-reference – Appendix A, Zoning § 4G.

**Sec. 19.5-11. Marihuana Business General Requirements.** A *Licensee* with a valid *State Operating License* may *cultivate*, *process*, transfer, sell, test, or transport

*marihuana* as permitted by its *State Operating License*, if he/she/it complies with all of the following:

- (1) **Laws and regulations.** *Cultivates, processes, transfers, sells, tests, or transports the marihuana in compliance with applicable: State Operating Licenses; the MRTMA, the MMFLA, and other State statutes; State medical and recreational marihuana regulations; and City ordinances and regulation.*
- (2) **Municipal License.** *Applies for, obtains, and yearly renews a Municipal License pursuant to Section 19.5-16 of this Chapter.*
- (3) **State Operating License.**
  - (1) *Applies for, obtains, and yearly renews a State Operating License as required by State regulations.*
  - (2) *Within 15 days of obtaining a State Operating License or a renewed State Operating License, provides the City with a copy of the License and, if requested by the City, the applicable portions of the State application.*
- (4) **Site Plan and Variances.** *If required by the City, pursuant to the Warren Code of Ordinances, Appendix A, Article XX, Division 5 - Variances and Section 22.16 – Site Plan Review, submit and obtain site plan approval and any required variances from the Planning Commission and Zoning Board of Appeals.*
- (5) **Certificate of Compliance.** *As required by Warren Code of Ordinances, Appendix A, Article XXII, Section 22.10, obtain a Certificate of Compliance.*
- (6) **Administrative Safety Inspection.** *Pass an annual Administrative Safety Inspection.*
- (7) **Insurance.** *Obtain and maintain insurance policies sufficient to cover cost recovery as reasonably required by the City.*
- (8) **Fire safety.** *Comply with all NFPA Fire Code regulations including Chapter 37 of NFPA 1, Marihuana Growing and Processing.*
- (9) **Posting.** *Conspicuously post the Municipal License, the Certificate of Compliance, and the State Operating License in each Establishment/Facility.*
- (10) **Reporting.**
  - (a) *Immediately report in writing to the Division of Building and Safety Engineering any fire, accident, chemical spill, criminal charges brought against a responsible*

*party*, or a government agency enforcement action taken against *the Marihuana Business* or a *responsible party*.

(b) Within 24 hours of any criminal activity on the property, make a police report with the Warren Police Department and provide a copy of the police report to the Division of Building and Safety Engineering.

(11) **Storage.** Store *marihuana* or *marihuana-related byproducts* (1) in a *restricted area* physically separated from where chemicals or hazardous material are used or stored; and (2) in an opaque locked container labeled as required by *State* regulations.

(12) **Disposal.** Dispose of *marihuana* in: (1) an opaque container; (2) an area not accessible to the public; and (3) a safe manner that does not clog any sewer system; contaminate the ground, air, or water; or otherwise endanger the public.

**Section 19.5-12. Prohibitions.** A *Responsible Party* shall take all reasonable steps necessary to prevent any of the following from occurring at the *Marihuana Business*:

- (1) Transacting any business except as permitted by the *State Operating License*.
- (2) Occupying the building as a residence.
- (3) Providing free samples, except trade samples as permitted by the *State* regulations.
- (4) Conducting *marihuana*-related operations outside of the *Marihuana Business*, except as provided by Section 19.5-15(1)(c).
- (5) Hosting Temporary Marihuana Events.
- (6) Transferring or selling *marihuana* products on food trucks.
- (7) Operating Microbusinesses.
- (8) Marihuana consumption, except as permitted in *Consumption Establishments*.
- (9) Consuming or serving food, except for employees in an area free of *marihuana*, chemicals, and hazardous materials, or at a *Consumption Establishment* with a *State* license to serve food.
- (10) Consuming or serving alcoholic liquor.
- (11) Smoking tobacco products indoors.
- (12) Transferring and selling *marihuana* to, employing, or permitting on the *premises* a person under the age of 21.
- (13) Except for *Secure Transporter Establishments/Facilities*, *Provisioning Center Facility* home delivery services, and *Retail Establishment* home delivery services, transporting *marihuana* on a *highway*.

**Section 19.5-13. Marihuana Business Security.** A *Licensee* shall comply with all of the following security requirements:

(1) **Access.** With the exception of *restricted access areas* in a *Provisioning Center Facility* or a *Retail Establishment*, prohibit anyone in *limited access areas* that is not:

- (a) the *Licensee*;
- (b) an employee of the *Marihuana Business* with a work badge;
- (c) a government or City employee on official government business with identification; or
- (d) a licensed contractor hired by the *Licensee* and carrying identification

(2) **Locks.**

- (a) Secure all doors and other means of ingress and egress with properly installed commercial-grade locks.
- (b) With the exception of *Consumption Establishments* and *Safety Compliance Establishments/Facilities*, secure all windows with properly installed commercial-grade window locks and bullet-resistant glass with a minimum UL Level 3.
- (c) Provide all security codes and lock box keys to the Warren Fire Department and Warren Police Department.

(3) **Lighting.**

- (a) Except for *Safety Compliance Establishments/Facilities*, install and maintain exterior *continuous controlled security lighting* covering the entire *premise*.
- (b) Provide for emergency lighting in case of a power failure or other disabling event.
- (c) Prevent unreasonable and excessive light trespass beyond the property line.

(4) **Alarm system.**

- (a) Maintain a working alarm system that is armed whenever the *Marihuana Business*: (i) is closed, (ii) covers the entire building(s), and (iii) notifies the Police Department if the alarm is triggered.
- (b) Provide the Warren Police Department with any codes necessary to disarm the alarm.
- (c) Prevent false alarms requiring police or fire response.

(5) **Video surveillance.**

- (a) Maintain a working video surveillance system that complies with *State* regulations.
- (b) For *Consumption Establishments*, maintain a working continuous video surveillance system that is reasonably calculated to record illegal or disorderly conduct that may occur inside or outside of the establishment. The recording retention requirements listed in the *State* regulations are applicable to the *Consumption Establishment* video surveillance.
- (c) Upon request, provide the Warren Police Department with immediate access to the video surveillance system.

**(6) Local Security Contact.**

- (a) Designate a *Local Security Contact*.
- (b) The *Local Security Contact* shall have direct access to all *Marihuana Business* security information, and employee, *Licensee*, *License Applicant*, and *property owner* contact information.
- (c) Upon the Warren Police or Fire Departments' request, the *Local Security Contact* shall be physically present at the *Marihuana Business premises*.

**Sec. 19.5-14 – Marihuana Delivery Requirements.** *Secure Transporter Establishments/Facilities, Provisioning Center Facilities* home delivery services, and *Retail Establishment* home delivery services, and their employee drivers shall comply with all of the following:

- (1) **License.** Before allowing a person to transport *marihuana* or money associated with the purchase of *marihuana*, confirm that he/she:
  - (a) possesses a valid chauffeur's license for a *Secure Transporter Establishment/Facility* driver or a driver's license for a home delivery driver; and
  - (b) has no felony or controlled substance-related misdemeanor convictions in the last five years.
- (2) **Driver and vehicle safety.**
  - (a) Use vehicles that have no visible identification indicating that the vehicle is used to transport *marihuana* or money associated with the sale of *marihuana*.
  - (b) For *Secure Transporter Establishment/Facilities*, have two drivers transporting the *marihuana* or money associated with the sale of *marihuana*. One driver shall remain in the vehicle at all times during transport.
  - (c) For home deliveries, do not leave the vehicle unattended during the delivery unless it is locked and its alarm is activated.
- (3) **Disclosure and Inspection.** If stopped by a law enforcement officer, the driver shall:
  - (a) Disclose immediately that the vehicle is transporting *marihuana* or money associated with the sale of *marihuana*.
  - (b) Present the officer with the following documents: (i) driver's license(s), (ii) vehicle registration, (iii) proof of insurance, (iv) the route plan as required by *State* regulations, (v) identification indicating that the driver(s) are employed by the *Marihuana Business*, (vi) the *Marihuana Business's* license number, address, and the *Licensee's* contact information, (vi) in case of a home delivery, the delivery log, and any other information that the officer requires to inspect to ensure compliance with local and *State* laws and regulations.
  - (c) Consent to the law enforcement officer's inspection of the vehicle to ensure compliance with local and *State* laws and regulations.

- (4) **Storage and labeling.** Transport the *marihuana* and money associated with the purchase of *marihuana* in locked, sealed, and labeled containers as required by *State* regulations in a location that is not accessible to the driver(s) while in transit. Edible *marihuana* product shall be sealed in an opaque, child-resistant package.
- (5) **Reporting.** The driver(s) shall immediately report any loss, criminal activity, or other event occurring during transport that violates local and *State* laws and regulations.
- (6) **Quantity limit.** For home deliveries, a driver shall not transport more than 15 ounces of *marihuana* or more than 60 grams of *marihuana concentrate* in a single delivery trip.
- (7) **Age verification.** For home deliveries, verify that the person taking delivery and the person who placed the order are 21 years of age or older.

#### **Sec. 19.5-15 Establishment/Facility-Specific Regulations.**

- (1) **Growing Establishment/Facility.** In addition to the General Requirements listed in Section 19.5-11, and Security Requirements listed in Section 19.5-13 a *Growing Establishment/Facility* shall comply with all of the following:
  - (a) **Hours of Operation.** Do not transfer *marihuana* between 10:00 p.m. and 6:00 a.m. except as between contiguous licensed operations.
  - (b) **Noise.** Comply with the decibel level limits listed in Warren Code of Ordinances, Appendix A, Article XVII, Section 17.02(j).
  - (c) **Outdoor Growing.**
    - (i) Grow in an area that is contiguous to a building.
    - (ii) Dry, trim, and package all *marihuana* inside the building.
    - (iii) Completely fence the perimeter of the growing area with 6-foot high non-razor/barbed wire anti-climb 385-security fencing attached to concrete footings.
    - (iv) Prevent *marihuana* plants from being seen from a public way.
  - (d) **Chemicals.** Store, use, and dispose of chemicals, including fertilizers and pesticides, as listed in manufacturer's instructions and as required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
  - (e) **Fumigation.**
    - (i) At least 48 hours before starting a *Growing Establishment/Facility* fumigation, notify the Warren Fire Department in writing of the following: (1) the location of fumigation, (2) types of chemicals to be used, (3) the name and phone number of the local emergency contact, (4) the person(s) conducting the fumigation, and (5) the date and time of commencement;

- (ii) Turn off any ignition source;
- (iii) Provide adequate security and signage to prevent anyone from entering the *Growing Establishment/Facility* while the fumigation is in progress; and
- (iv) Comply with all other NFPA 1, Fire Code regulations applicable to fumigation.

(f) **Carbon Monoxide and Carbon Dioxide.**

- (i) If the cultivation process artificially adds carbon dioxide into an area, install a gas detection, alarm system, warning signs, and any other requirements listed in NFPA 55 and the *State* regulations;
- (ii) If a carbon dioxide generator that burns hydrocarbon fuel is used, ensure that the generator is : (1) approved by a recognized testing agency; and (2) installed and used as required by the manufacture's specification; and
- (iii) Monitor carbon monoxide levels with carbon monoxide detectors.

(g) **Wastewater.**

- (i) Ensure that water used in *marihuana cultivation* does not enter a storm sewer.
- (ii) Comply with the requirements for wastewater discharge and treatment listed in Warren Code of Ordinances, Chapter 41.

(h) **Filtration and Ventilation.** Use a Division of Building and Safety Engineering-approved filtration system, which effectively contains, within the *Growing Establishment/Facility*, all odors associated with the *marihuana cultivation*.

**(2) Processing Establishment/Facility.** In addition to the General Requirements listed in Section 19.5-11 and the Security Requirements listed in Section 19.5-13, a *Processing Establishment/Facility* shall comply with all of the following:

(a) **Hours of Operation.** Shall not conduct any marihuana extraction between 11:00 p.m. and 6:00 a.m.

(b) **Noise.** Comply with the decibel level limits listed in Warren Code of Ordinances, Appendix A, Article XVII, Section 17.02(j).

(c) **Filtration and Ventilation.** Use a Division of Building and Safety Engineering-approved filtration system, which effectively contains, within the *Processing Establishment/Facility*, all odors associated with the *marihuana* extraction.

(d) **Extraction (Generally).**

- (i) Systems, equipment, and *marihuana* processes shall comply with Chapter 38 of NFPA 1 (2018), and Section 60.5.1.6 relating to storage, use, and handling of hazardous materials, other applicable provisions of NFPA 1, the Michigan Building Code, and NFPA 90A.
- (ii) Do not use *open loop extraction* methods.

- (iii) Where a risk of explosion exists, do not use heating equipment such as vacuum ovens, heating mantels, heat guns, or other equipment to heat flammable or combustible liquids or oils containing liquefied petroleum gasses.
- (iv) Utilize an approved continuous gas detection system with constant non-interlocked power in accordance with NFPA 1, 55, and *State marihuana* regulations.
- (v) Exhaust and ventilation equipment must comply with NFPA 1 and Michigan Mechanical Code.
- (vi) An automatic emergency power system shall be provided for: (1) extraction room lighting; (2) extraction room ventilation system; and (3) solvent gas detection system.
- (vii) Comply with all other NFPA 1, Fire Code regulations applicable to extraction.

**(e) Specific Extraction Methods.**

**(i) Carbon Dioxide Extraction.**

- (1) *Processing Establishments/Facilities* performing carbon dioxide extraction shall use
- (2) Carbon dioxide gas detectors set to alarm at 5000 parts per million of carbon dioxide. Auto calibrating and self-zeroing detectors are prohibited.
- (3) Extraction equipment pressure relief devices and blow-off valves that are piped to the exterior of the building.

**(ii) Liquefied Petroleum Gas Extraction.**

- (1) Do not store LPG tanks and containers within extraction rooms.
- (2) Extraction operations shall be conducted within a chemical fume hood or enclosure for LPG extractions in compliance with NFPA 91 or the Michigan Mechanical code.
- (3) An automatic suppression system shall be provided within hoods or enclosures, including ductwork, in accordance with the following: (1) an automatic water sprinkler system that meets all applicable requirements of NFPA 13; (2) a Carbon Dioxide extinguishing system that meets all applicable requirements of NFPA 12; (3) a dry chemical extinguishing system that meets all applicable requirements of NFPA 17; and (4) a gaseous agent extinguishing system that meets all applicable requirements of NFPA 2001.

**(iii) Flammable and Combustible Liquid Extraction.**

- (1) Storage, use, and handling of flammable and combustible liquids shall be in compliance with Chapter 38 and Chapter 66 of NFPA 1.
- (2) Heating of flammable or combustible liquids over an open flame is prohibited.
- (3) Extraction and post oil processing operations, including dispensing of flammable liquids between containers shall only be performed in either:

- a. a chemical fume hood in accordance with Chapter 7 of NFPA 45;  
or
  - b. an approved exhaust system installed in accordance with NFPA 91 or the mechanical code.
- (4) All electrical components within the chemical fume hood or exhausted enclosure shall be interlocked such that the exhaust system shall be in operation for lighting and components to be used.
- (iv) Exhaust. Exhaust and ventilation equipment must comply with NFPA 1 and Michigan Mechanical Code, R 408.30901 to R 408.30998. Reference respective extraction methods for specific ventilation requirements.

**(3) Secure Transporter Establishment/Facility.** In addition to the General Requirements listed in Section 19.5-11, the Security Requirements listed in Section 19.5-13, and the Delivery Requirements listed in Section 19.5-14, a *Secure Transporter Establishment/Facility Licensee* shall comply with all of the following:

- (a) **Hours of Operation.** Do not operate between 10:00 p.m. and 6:00 a.m.
- (b) **Filtration and Ventilation.** Use a Division of Building and Safety Engineering-approved filtration system, which effectively contains, within the *Secure Transporter Establishment/Facility*, all odors associated with the *marihuana* storage.

**(4) Safety Compliance Establishment/Facility.** In addition to the General Requirements listed in Section 19.5-11 and the Security Requirements listed in Section 19.5-13, a *Safety Compliance Establishment/Facility* shall comply with all the following:

- (a) **Hours of Operation.** Do not accept delivery of samples between the hours of 10:00 p.m. and 6:00 a.m.
- (b) **Testing location.** Test *marihuana* in a *restricted access area*.

**(5) Provisioning Center Facilities and Retail Establishments.** In addition to the General Requirements listed in Section 19.5-11 and the Security Requirements listed in Section 19.5-13, a *Provisioning Center Facility* or a *Retail Establishment*, shall comply with all of the following:

- (a) **Hours of Operation.** Do not operate (including performing home deliveries) between 8:00 p.m. and 8:30 a.m.
- (b) **Product Displays.** Store *marihuana products* behind a counter in an enclosed case equipped with locks or other functioning security devices that prevent access by the general public.

**(6) Consumption Establishment.** In addition to the General Requirements listed in Section 19.5-11 and the Security Requirements listed in Section 19.5-13, a *Consumption Establishment* shall comply with all of the following:

- (a) **Hours of Operation.** Do not operate between 12:00 a.m. and 12:00 p.m.
- (b) **Filtration and Ventilation.** Use a Division of Building and Safety Engineering-approved filtration system, which effectively contains, within the *Consumption Establishment*, all odors associated with the *marihuana* storage and consumption.
- (c) **Indoor Consumption.** *Marihuana* consumption is only allowed inside of the *Consumption Establishment*. Post signs prohibiting customers and employees from consuming outside of the *Consumption Establishment*.
- (d) **Excessive Consumption.** Take all reasonable steps necessary to prevent customer intoxication. Reasonable steps include but are not limited to, monitoring customers before and after entering the *Consumption Establishment* and developing procedures and training employees to recognize and safely remove intoxicated customers from the *premises*.
- (e) **Minors.** To ensure that minors do not enter, check each person's identification before granting entry to the *Consumption Establishment*.
- (f) **Premise Safety.** Take all reasonable steps necessary to prevent illegal activity on the *premises*. Reasonable steps may include hiring private security to monitor the *premises*, using metal detectors to screen customers before they enter, and developing procedures for and training employees to recognize and effectively stop fights or other disorderly behavior before it escalates and requires a police response.

State law reference – MCL 333.27205 and MCL 333.27208.

### **Sec. 19.5-16 Municipal License.**

(1) **Number of Licenses.** Subject to Warren Code of Ordinances, Chapter 19.5 and the Zoning Ordinance Chapter 4G, and *State* law and regulations:

- (a) The City may issue unlimited *Growing Establishment/Facility, Process Establishment/Facility, Secure Transporter Establishment/Facility, and Safety Compliance Establishment/Facility* licenses.
- (b) The City may issue up to 15 Provisioning Center Facility licenses.
- (c) The City may not issue any Retail Establishment licenses.
- (d) The City may not issue any Consumption Establishment licenses.
- (e) The City may not issue any Microbusiness Establishment Licenses.
- (f) The City may not issue any temporary Marihuana Event Licenses.

(2) **Application for Licensure.** To be considered for licensure, a *License Applicant* shall provide the City with all of the following:

- (a) An application fee as set by City Council resolution;
- (b) A completed application on a form provided by the City;
- (c) The following documentation:
  - (i) Property ownership information, including lease or rental agreements.
  - (ii) *Marihuana Business* Ownership information, including copies of government issued photo identification cards.
  - (iii) Designation of a *Local Security Contact*.
  - (iv) A copy of the Facility Plan and Criminal History Disclosure that the *License Applicant* submitted to the *State*.
  - (v) A *Municipal Safety and Nuisance Abatement Plan*.
- (d) Proof of insurance as required by the City;
- (e) A cash bond for local cost recovery as required by the City;
- (f) On forms provided by the City, attestations that the proposed location is a *permissible location* and the *License Applicant* is compliant with the requirements listed in Section 19.5-16(3)(a)(iv);
- (g) For *Provisioning Center Facilities, Retail Establishments, and Consumption Establishments*, the Business Plan, Financial Information Disclosure, Tax Disclosure, Government Regulation Disclosure, Litigation History Disclosure that the *License Applicant* submitted to the *State* and a description of the *Marihuana Business*' community involvement and neighborhood compatibility; and
- (h) Any supplemental information required by the City to ensure compliance with this Chapter.

(3) **Municipal License Qualifications.**

- (a) ***Marihuana Businesses.*** A *License Applicant* applying for any type of *Municipal License* shall meet all of the following requirements:
  - (i) Submit a complete application with application fee, all required attachments, cash bond, and insurance documentation.
  - (ii) Obtain City approval for each section of the Facility Plan, *Municipal Safety and Nuisance Abatement Plan*, and pass a *criminal history* background check.
  - (iii) Locate at a *permissible location*.
  - (iv) *License Applicant* shall not: (1) have financial obligations to the City, including but not limited to delinquent taxes; (2) have a history of uncompleted site plans, ongoing or pending building code violations, or ongoing or pending property maintenance violations; or (3) be employed by any government entity, except as permitted by *State* law.

(b) **Provisioning Center Facility, Retail Establishment, or Consumption Establishment.** A *License Applicant* applying for a *Provisioning Center Facility* shall, in addition to the requirements listed in Section 19.5-16(3)(a), obtain Warren City Council approval. Warren City Council approval is obtained by the following process:

(i) When a *Municipal License* becomes available, the City will provide public notice of a 30-day period for submission of applications.

(ii) The City will review any timely submitted application for compliance with the requirements listed in Section 19.5-16(3). If the City determines that the application meets the requirements outlined in 19.5-16(3), the City will submit it to the *Marihuana Review Committee* or, if Council chooses, an independent auditing firm.

(iii) The *Marihuana Review Committee* or the independent auditing firm will review the application and *License Applicants* by assigning a score, on a ten point scale, for each of the following factors:

- (1) *Good moral character.*
- (2) General business experience and record of success.
- (3) Ability to successfully operate a marihuana business.
- (4) Financial ability to comply with all requirements listed in this Chapter and in the Warren Code of Ordinances, including ability to obtain and maintain the required insurance coverage.
- (5) Sources and amounts of capitalization.
- (6) *Criminal history.*
- (7) Bankruptcy filings in the last seven years.
- (8) History of or current delinquent taxes.
- (9) History of or current noncompliance with governmental regulations.
- (10) History of or current litigation over business practices.
- (11) The *Marihuana Business*' proposed security and safety measures.
- (12) The *Marihuana Business*' compatibility with the surrounding neighborhood, including environmental impacts from proposed *Marihuana Businesses located on the same premises.*
- (13) Involvement in the community, including charitable giving and community engagement.
- (14) The *Marihuana Business*' anticipated operations start date.

(iv) The *Marihuana Review Committee* or the independent auditing firm will provide its recommendations to City Council. City Council may review the applications for the factors listed in Section 19.5-16(3)(b)(iii). It is not required to abide by the recommendations of the *Marihuana Review Committee* or independent auditing firm.

#### (4) **Municipal License Grant/Denial.**

- (a) For all *Marihuana Businesses*, except *Provisioning Center Facilities*, if a *License Applicant* obtains all necessary approvals as detailed in this Chapter, the City will issue an administratively-approved *Municipal License* to the *License Applicant*.
- (b) For a *Provisioning Center Facility*, if a *License Applicant* obtains all necessary administrative approvals as detailed in this Chapter and City Council awards the *License Applicant* a license, the City will issue a *Municipal License* to the *License Applicant*.
- (c) If the City denies a *Municipal License* application, the City shall provide the *License Applicant* with a dated written notice and the reason(s) for the denial.

**(5) Municipal License Expiration.**

- (a) All municipal licenses are valid for one year and shall renew on the same date based upon the initial license issue date. All subsequent licenses issued by the city to a facility shall be pro-rated from its date of issue to renew upon the date of the facility's original license renewal date.
- (b) A *Municipal License* is automatically suspended on the date of expiration, and is subject to Section 19.5-16(9).
- (c) If City Council determines that the *Licensee* has both: (1) good cause for allowing the *Municipal License* to expire; and (2) provides assurances that the *Municipal License* will be obtained within a reasonable time, City Council may grant one 60-day extension for the *Licensee* to renew the *Municipal License*.
- (d) To receive a hearing on a request for an extension, the *Licensee* must submit a written request to the City Council office at least five days before the *Municipal License* expires.

**(6) Municipal License Renewal.**

- (a) A renewal application shall contain all of the following:
  - (i) Renewal application fee as set by City Council resolution;
  - (ii) Changes from the application submitted the immediately preceding year;
  - (iii) Documentation of all security, chemical storage, waste water, fire, and property maintenance matters associated with the *Marihuana Business* that occurred in the immediately preceding year; and
  - (iv) The current *State Operating License(s)* for the *Marihuana Business*.
- (b) The *License Applicant* shall submit a renewal application at least 30 days before the *Municipal License* expiration.

**(7) License Revocation or Nonrenewal.**

- (a) The City may revoke or not renew the *Municipal License*, if any of the following occur:
- (i) The *License Applicant* does not obtain its Certificate of Compliance within 180 days, or 365 days if City Council grants the *License Applicant* one 180 day extension for good cause.
  - (ii) The *State* rejects, revokes, or fails to grant or renew the *License Applicant's State Operating License*.
  - (iii) The *Municipal License* or *State Operating License* applications contains false, inaccurate, or misleading information.
  - (iv) The *Marihuana Business* fails to abide by the general requirements listed in Section 19.5-11; the prohibitions listed in Section 19.5-12; the security requirements listed in Section 19.5-13; the delivery requirements listed in Section 19.5-14; or the applicable specific regulations listed in Section 19.5-15.
  - (v) The *License Applicant* becomes indebted to the City.
  - (vi) The *License Applicant* or other *responsible party* fails to abide by the Facility or *Municipal Safety and Nuisance Abatement Plan* as submitted to the City.
  - (vii) The *License Applicant* or other *responsible party* is convicted of a felony, a drug crime, or a crime involving dishonesty, false statement, or theft.
  - (viii) The *Marihuana Business* has significant property maintenance, zoning, building, nuisance, environmental, utility, fire, or security violations as determined by the Police Department, the Fire Department, the Department of Public Service, or the utility companies.
  - (ix) The City determines that hazardous conditions exist at the *Marihuana Business*.
  - (x) The *License Applicant* fails to provide adequate supervision of his/her/their/its employees to prevent violations of this Chapter.
- (b) If the City revokes or does not renew the *Municipal License*, the City shall provide the *License Applicant* with a dated written notice of the revocation or nonrenewal and a reason for the action.

**(8) Appeal.**

**(a) Written request.**

- (i) A *License Applicant* may appeal an administrative ruling denying, revoking, or not renewing a *Municipal License* by submitting a written request for an appeal hearing to City Council within 14 days of the City's denial, revocation, or nonrenewal of the *Municipal License*.

- (ii) If the *Licensee* submits a written request to appeal a license revocation or nonrenewal, the license is suspended during the pendency of the appeal process.
- (b) **Hearing.** City Council shall hold a public hearing within 30 days of the *License Applicant's* notice of appeal. At the hearing, City Council shall permit both the *License Applicant* or his/her designee and a representative of the City to speak at the hearing.
- (c) **Standard of Review.** Following the hearing, if City Council determines that the administrative denial, revocation, or nonrenewal was arbitrary and the *License Applicant* is in compliance with the Warren Code of Ordinances, it may grant, reinstate, or renew the *Municipal License*.
- (d) **Appeal to Circuit Court.** The *License Applicant* may appeal City Council's (i) upholding of an administrative ruling; or (ii) decision to not award a *Provisioning Center Facility Municipal License* to the Macomb County Circuit Court.

**(9) Suspended Municipal License.**

- (a) The City shall suspend a *Municipal License* if either of the following: (i) is expired; or (ii) the *Marihuana Business* poses a health or safety risk.
- (b) A *Marihuana Business* with a suspended *Municipal License* shall not transfer or sell *marihuana* or otherwise operate.
- (c) If a *Growing Establishment/Facility Licensee* files an appeal pursuant to the Section above, and does not pose a health or safety risk, he/she/it may continue to grow the *marihuana* plants currently on the premises on the date of the request to appeal.

**(10) Change in Marihuana Business Operations.**

- (a) Within 10 days of a change in operation that would materially alter any answer to a question on the *Municipal License* application, the *Licensee* shall provide written notice of such change to the City.
- (b) For all *Marihuana Businesses*, except a *Provisioning Center Facility*, the City shall administratively determine if the change is a *major change* or a *minor change*. If the change is a *major change*, the *Licensee* shall submit a new application. If the change is a *minor change*, the City may administratively approve or deny it, but such approval shall not be unreasonably withheld.

- (c) For a *Provisioning Center Facility*, City Council shall determine if the change is a *major change* or a *minor change*. If the change is a *major change*, the *Licensee* shall submit a new application. If the change is a *minor change*, City Council may approve or deny it, but such approval shall not be unreasonably withheld.
  - (d) City Council's or the City's determination that a change is a *major change* or a denial of a *minor change* is considered a denial of the application, and subject to the appeal process in subsection 8. During the pendency of any such appeal, the marijuana business may continue to operate under its existing license.
- (11) **License Transfer.** A *Licensee* may transfer his/her/its *Municipal License* if:
- (a) The *State* approves the transfer of the corresponding *State Operating License*;
  - (b) The *Licensee* updates the application as required by this Chapter; and
  - (c) For *Provisioning Center Facilities*, City Council determines that the change in ownership is not a *major change*.
- (12) **Multiple licenses.** A *License Applicant* shall obtain a corresponding *Municipal License* for each required *State Operating License*.

### **Section 19.5-17. Remedies and Penalties.**

- (a) If a person operates a *Marijuana Business* without a *Municipal License*, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.
- (b) In addition to the licensing sanctions listed above, if a person fails to comply with the requirements listed in this Chapter, he/she/it is responsible for a municipal civil infraction punishable by a fine of \$500, costs not exceeding \$500, and other sanctions as provided by MCL 600.8727. Each day the violation continues is a separate offense.
- (c) A *Marijuana Business, Caregiver Operation, Patient Operation, or Personal Recreational Adult-Use* operated without a *Municipal License* or not in compliance with the requirements listed in this Chapter is a nuisance and may be abated as provided in *State* law.

**SECTION 3.** This Ordinance shall take effect on May 17, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-789 was adopted by the Council of the City of Warren at its meeting held on April 27, 2021.

Published: May 12, 2021

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SONJA BUFFA  
City Clerk