

ORDINANCE NO. 30-1064

AN ORDINANCE TO AMEND APPENDIX A, ARTICLE II, IV, V, XIV, XV, XVII  
RELATING TO MARIHUANA

THE CITY OF WARREN ORDAINS:

**SECTION 1.** That Appendix A, Article II, Section 2.93, 2.94, 2.95, 2.96 of the  
Code of Ordinances of the City of Warren, Michigan is repealed.

**SECTION 2.** That Appendix A, Article IV-A, Section 14 of the Code of  
Ordinances of the City of Warren, Michigan,

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

**Section 4A.14 - Prohibited signs.**

The following signs are prohibited in all districts:

(o) A signs that contains the word or phrase "*marihuana*" or "*marihuana* facility" or  
another word slang word or pseudonym commonly known to mean *marihuana* or an  
illegal controlled substance.

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

**Section 4A.14 - Prohibited signs.**

The following signs are prohibited in all districts:

(o) An off-premise sign advertising a *Marihuana Business* or *Caregiver Operation*.

(p) A sign, visible from a public right-of-way, advertising *Caregiver Operations* or  
*Marihuana Businesses*, except *Retail Establishments* and *Provisioning Center Facilities*.

(q) A sign that contains any words or phrases listed in MCL 333.17711, including, but  
limited to: apothecary, dispensary, pharmacy, and drugstore.

**SECTION 3.** That Appendix A, Article IV-G of the Code of Ordinances of the City of Warren, Michigan,

**WHICH PRESENTLY READS AS FOLLOWS:**

**Article IV-G –MEDICAL MARIHUANA FACILITIES**

**Division 1. General Provisions.**

**Section 4G.01 – Short title.**

This Article is known and cited as the "Medical Marihuana Zoning Ordinance."

**Section 4G.02 – Purpose.**

It is the purpose of this Article to promote the health, safety, and welfare of the citizens of the City by permitting medical marihuana facilities and medical marihuana operations in areas of the City that are appropriate for each proposed use. This will reduce potential danger, nuisance, and security problems that arise as a result of the medical marihuana cultivation, processing, and transfer.

**Section 4G.03 – Applicability.**

This Article addresses medical marihuana cultivating, processing, testing, selling, extracting, and transporting, pursuant to the Medical Marihuana Facility Licensing Act, MCL 333.27101 *et seq.* (MMFLA). Manufacturing, distributing, or dispensing, or possessing with intent to manufacture, distribute, or dispense is illegal under Federal Law, 21 USC 841.

**Section 4G.04 – Definitions.**

(1) For purposes of the Zoning Ordinance, the following definitions apply:

*Co-location Facility.* A facility that is used as some combination of Growing, Processing, and Provisioning Facility, as permitted by the Bureau of Medical Marihuana Regulation (BMMR).

*Cultivate and process marihuana.* The act of growing, storing, cultivating, manufacturing or otherwise processing marihuana into usable form.

*Growing Facility.* A location where a state-licensed Grower cultivates, dries, trims or cures and packages marihuana for sale to a Processor or a Provisioning Center pursuant to the MMFLA.

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

*Medical Marihuana Facility or Facilities.* A Growing, Processing, Provisioning Center, Secure Transporter, Safety Compliance, or Co-location Facility.

*Processing Facility.* A location where a state-licensed Processor purchases marihuana from a Grower and extracts resin from the marihuana or creates marihuana-infused products for sale and transfer in packaged form to a Provisioning Center, pursuant to the MMFLA.

*Provisioning Center Facility.* A location where a state-licensed Provisioning Center purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to a Qualifying Patient, directly or through the Qualifying Patient's Primary Caregiver, pursuant to the MMFLA.

*Safety Compliance Facility.* A location where a state-licensed Safety Compliance licensee receives marihuana from another Marihuana Facility or Primary Caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, pursuant to the MMFLA.

*Secure Transporter Facility.* A location where a state-licensed Secure Transporter stores marihuana, pursuant to the MMFLA.

(2) If not specifically defined by this Ordinance, the definitions found in the MMMA and MMFLA.

## **Division II. – Regulation by zone.**

Medical Marihuana Facilities are only permitted in the zones as listed below.

### **Section 4G.05 – Growing, Processing, Secure Transporter, and Co-location Facilities.**

Medical Marihuana Growing, Processing, Secure Transporter, and Co-location Facilities are permitted in M-1, M-2, M-3, and M-4 zones, if the Facility is located, at the time of Local License application submittal:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5 zone;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

#### **Section 4G.06 – Provisioning Center Facilities.**

Provisioning Center Facilities are permitted in M-1, M-2, M-3, M-4, and C-3 zones, if the Facility is located, at the time of Local License application submittal:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5 zone;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

#### **Section 4G.07 – Safety Compliance Facilities.**

Safety Compliance Facilities are permitted in M-1, M-2, M-3, and M-4 zones.

#### **Division III. Prohibitions.**

#### **Section 4G.08- Prohibitions.**

- (1) A Medical Marihuana Facility is not permitted to have any of the following:
  - (a) Medical marihuana related outdoor retail sales; or
  - (b) Except as permitted by MCL 333.26423(d), medical marihuana-related outdoor storage.
- (2) A Medical Marihuana Facility is not permitted in any of the following areas:
  - (a) the portion of the Downtown District (commonly known as the DDA District as described in Chapter 2, Section 2-112) north of 12 Mile Road, south of the 13 Mile/Chicago Road thoroughfare including all lots (north and south), east of Mound Road, and west of Lorraine Avenue;
  - (b) the Downtown Center, (DC) as described in Appendix A, Article 21B;
  - (c) the Village Historic District, as described in Appendix A, Article 21A; and
  - (d) the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.

#### **Section 4G.09 - Penalty.**

A person violating this Article is guilty of a misdemeanor punishable by a fine of not more than \$500 and reasonable court costs of not more than \$1,000; imprisonment for a term not exceeding 90 days; or both.

#### **Section 4G.10 - Severability.**

If a court of competent jurisdiction holds a section, subsection, sentence, clause, or phrase of this Article to be invalid for any reason, the remaining portions of this Article, not specifically held to be invalid, remain valid and enforceable.

**State Law reference—** Medical Marihuana Facility Licensing Act, MCL 333.27101 *et seq.* and Marihuana Tracking Act, MCL 333.27901 *et seq.*

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

**Article IV-G 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**

**Division I. General Provisions.**

**Section 4G.01 – Short title.**

This Article is known and cited as the “Marihuana Zoning Ordinance.”

**Section 4G.02 – Purpose.**

It is the purpose of this Article to promote the health, safety, and welfare of the citizens of the City by permitting *Marihuana Businesses* and *Caregiver Operations* in areas of the City that are appropriate for each proposed use. This will reduce potential danger, nuisance, and security problems that sometimes result from *marihuana cultivation, processing, and transfer*.

**Section 4G.03 – Applicability.**

This Article addresses *marihuana cultivating, processing, testing, transfer, and transporting*, pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* (MMMA), Medical Marihuana Facility Licensing Act, MCL 333.27101 *et seq.* (MMFLA) and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (MRTMA). Manufacturing, distributing, or dispensing, or possessing with intent to manufacture, distribute, or dispense is illegal under Federal Law, 21 USC 841.

**Section 4G.04 – Definitions.**

(1) For purposes of the Zoning Ordinance, the following definitions apply:

*Caregiver or Primary Caregiver.* A person who the *State* has issued a registry identification card as a primary caregiver pursuant to the MMMA, and is currently registered with the *State* as a caregiver to assist with a patient’s medical use of *marihuana*.

*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.

*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.

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

*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.

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

*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*.

*Medical Marihuana.* Marihuana cultivated, processed, transferred, tested, or transported as required by the MMFLA and the State medical marihuana regulations or the Michigan Medical Marihuana Act, MMMA, MCL 333.26421, *et seq.*

*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.

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

*Patient Operation.* A location where a Registered Qualifying Patient or his/her Primary Caregiver *cultivates*, *processes*, or *cultivates* and *processes* medical *marihuana* in 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.

*Process.* The act of preparing marihuana plants for consumption, including but not limited to: blending, extracting, infusing, or manufacturing into usable form.

*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.

*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 *Qualifying Patient's Primary Caregiver* pursuant to the MMFLA and the *State* medical *marihuana* regulations.

*Recreational Marihuana.* *Marihuana cultivated, processed, transferred, tested, and transported as required by the MRTMA and the State recreational marihuana regulations.*

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

*Residential Zone.* Any residentially-zoned area within the city or an adjacent municipality.

*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.

*Single Property.* A single contiguous parcel of real property made up of one or more addresses or suites.

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.
- (v) Recreational Marihuana Safety Compliance Establishment.
- (vi) Medical Marihuana Safety Compliance Facility.
- (vii) Recreational Marihuana Secure Transporter Establishment.
- (viii) Medical Marihuana Secure Transporter Facility.
- (ix) Recreational Marihuana Retail Establishment.
- (x) Medical Marihuana Provisioning Center Facility.
- (xi) Recreational Marihuana Temporary Marihuana Event.
- (xii) Recreational Marihuana Consumption Establishment.
- (xiii) Recreational Marihuana Microbusiness.

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

(2) If not specifically defined by this Article, the definitions found in the MMMA, MMFLA, the MRTMA, and the State medical and recreational *marihuana* regulations apply.

## **Division II. – Regulation by zone.**

*Marihuana Businesses, Personal Recreational Adult-Uses, Patient Operations, and Caregiver Operations* are only permitted in the zones as listed below.

### **Section 4G.05 – Patient Operations and Personal Recreational Adult-Uses.**

*Patient Operations* and *Personal Recreational Adult-Uses* are permitted in that patient or person's primary residence in all zones as long as in compliance with Article IV-G of this Zoning Ordinance and Chapter 19.5 of the Warren Code of Ordinances.

### **Section 4G.06 – Caregiver Operations.**

*Caregiver Operations* are permitted in M-1, M-2, M-3, and M-4 zones, if at the time of *Municipal License* application submittal, the Operation is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A Planned Unit Development;
  - (b) A residential zone, except R-1-P zones;



- (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

**Section 4G.07 – Growing, Processing, and Secure Transporter Establishments/Facilities.**

*Marihuana Growing, Processing, and Secure Transporter Facilities* are permitted in M-1, M-2, M-3, and M-4 zones, if, at the time of *Municipal License* application submittal, the Establishment/Facility is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
- (a) A residential zone, except R-1-P zones;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

**Section 4G.08 – Provisioning Center Facilities, Retail Establishments, and Consumption Establishments.**

*Provisioning Center Facilities, Retail Establishments, and Consumption Establishments* are permitted in C-3, M-1, M-2, M-3, and M-4 zones, subject to the limitations in Section 19.5-16 of the Marihuana Regulatory Ordinance if, at the time of *Municipal License* application submittal, the Establishment/Facility is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
- (a) A residential zone, except R-1-P zones;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

**Section 4G.09 – Safety Compliance Establishments/Facilities.**

*Safety Compliance Establishments/Facilities* are permitted in C-3, M-1, M-2, M-3, and M-4 zones.

**Division III. Co-location.**

**Section 4G.10 – Marihuana Businesses Located at the Same Property.**

- (1) Subject to the requirements listed in the Warren Code of Ordinances Chapter 19.5 and subsection (2) and (3) below, a *Licensee* may operate any combination of the following Establishments/Facilities at the same property:
  - (a) *Growing Establishment/Facility*;
  - (b) *Process Establishment/Facility*;
  - (c) *Provisioning Center Facility* and *Retail Establishment*; and
  - (d) *Consumption Establishment*.
- (2) Each type of Establishment/Facility listed in subsection (1) shall have its own designated address and be inaccessible to any other type of *Marihuana Business* except through a separate locked entrance/exit.
- (3) A *Retail Establishment* or *Consumption Establishment* shall locate only on the same property as an existing *Provisioning Center Facility*, but a *Retail Establishment* may operate within a single facility.

#### **Division IV. Prohibitions, Penalty, and Severability.**

##### **Section 4G.11- Prohibitions.**

- (1) A *Marihuana Business*, *Patient Operation*, *Caregiver Operation*, or *Personal Recreational Adult-Use* is not permitted to have any of the following:
  - (a) *Marihuana* related outdoor retail sales; or
  - (b) Except as permitted by MCL 333.26423(d) and MCL 333.27961(a), *marihuana*-related outdoor storage.
- (2) A *Marihuana Business* or *Caregiver Operation* is not permitted in any of the following areas:
  - (a) the portion of the Downtown District (commonly known as the DDA District as described in Chapter 2, Section 2-112) north of 12 Mile Road, south of the 13 Mile/Chicago Road thoroughfare including all lots (north and south), east of Mound Road, and west of Lorraine Avenue;
  - (b) the Downtown Center, (DC) as described in Appendix A, Article 21B;
  - (c) the Village Historic District, as described in Appendix A, Article 21A; and
  - (d) the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.
- (3) Microbusinesses, Temporary *Marihuana* Events, and food trucks transferring or selling *marihuana* or *marihuana* products are not permitted in any zone.

##### **Section 4G.12 – Penalty.**

A person violating this Article is responsible for a municipal civil infraction punishable by a fine of not more than \$500, or as provided by State law. As provided in Warren Code of Ordinances, § 1-8(e), each day a violation of this ordinance continues is a new and separate offense and may be abated as a nuisance.

**Section 4G.13 - Severability.**

If a court of competent jurisdiction holds a section, subsection, sentence, clause, or phrase of this Article to be invalid for any reason, the remaining portions of this Article, not specifically held to be invalid, remain valid and enforceable.

**State Law reference—** Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*; Medical Marihuana Facility Licensing Act, MCL 333.27101 *et. seq.*; Marihuana Tracking Act, MCL 333.27901 *et. seq.*; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et. seq.*

**SECTION 4.** That Appendix A, Article XV, Section 15.01 of the Code of Ordinances of the City of Warren, Michigan,

**IS HEREBY AMENDED TO ADD SECTION 15.01(G) WHICH SHALL READ AS FOLLOWS:**

(g) *Marihuana Provisioning Center Facilities, Marihuana Retail Establishments, Marihuana Consumption Establishments, and Safety Compliance Establishments/Facilities.*

**SECTION 5.** That Appendix A, Article XVII, Section 17.02(aa) of the Code of Ordinances of the City of Warren, Michigan,

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

**Section 17.02 – Industrial standards.**

All uses not herein expressly prohibited shall comply with the following table of standards.

	M-1	M-2	M-3	M-4
(aa) Medical Marihuana Facility as defined by Section 2.93 of this Zoning Ordinance	Yes	Yes	Yes	No

	A Medical Marihuana Facility is exclusively permitted in M-1, M-2 and M-3 zones, if the facility, the owner, and any occupants meet all of the following requirements:
	<p>(1) Compliance with all applicable laws, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) the requirements stated in Section 4 of the Michigan Medical Marihuana Act, MCL 333.26421, <i>et seq.</i> as amended, including the requirement that the marihuana be contained in an enclosed, locked facility or other closed area equipped with locks or other security devices that permit access only by the registered primary caregiver or his or her qualifying patient, and such facility must be separately used and maintained by each occupying caregiver or patient; and</li> <li>(b) all local ordinances and regulations, including the Fire Protection Code and Article VI of Chapter 22 of the Code of Ordinances.</li> </ul>
	(2) With the exception of growing marihuana plants outdoors as permitted by MCL 333.26423(d), all activity related to the marihuana is conducted inside the facility.
	<p>(3) No open storage is permitted on the property.</p> <p>(4) The facility is registered with the Division of Building Inspection, and as part of its Certificate of Compliance, is inspected by Zoning, Electrical, Building, Mechanical, and Plumbing Inspectors, and the Fire and Police Departments for compliance with applicable laws, local ordinances and codes, including this ordinance. The facility must pass annual safety inspections for compliance with the requirements of this ordinance.</p>
	(5) The facility maintains:
	(a) Copies of a MDCH issued registry identification card for:
	<ul style="list-style-type: none"> <li>(i) Each registered primary caregiver or registered qualifying patient storing, growing, transferring, cultivating, or processing marihuana at the facility; and</li> <li>(ii) Each registered qualifying patient legally registered to a registered primary caregiver who is storing, cultivating, growing, processing, or transferring marihuana at the facility.</li> </ul>
	(b) A daily log of the amount and location of the marihuana on the premises for each registered primary caregiver and each patient;
	(c) A daily log of all transfers; and
	(d) Any other written records necessary to show compliance with applicable state and local laws.

	<p>(6) The facility possesses and regularly uses an effective filtration system which:</p> <ul style="list-style-type: none"> <li>(a) effectively contains the odors associated with storing, transferring, cultivating, growth, or processing marihuana, within the facility; and</li> <li>(b) is approved by the Building Division.</li> </ul>
	<p>(7) No one processes or transfers marihuana on the property between the hours of 11:00 p.m. and 8:00 a.m.</p> <p>(8) The facility is not occupied or used by more than a combination of seven registered primary caregivers or qualifying patients for the growth, cultivation, processing or manufacturing of medical marihuana, and no more than 12,000 square feet of the facility shall be occupied by the total combined aggregate of such caregivers and patients.</p> <p>(9) No one under the age of 18 is permitted on the premises, except for persons under the age of 18 who are registered qualifying patients and are accompanied by a parent or legal guardian.</p> <p>(10) The facility is not located in the Downtown District, "DDA District" as described in the Code of Ordinances Chapter 2.5, Section 2-112, or the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.</p>
	<p>(11) The facility is located at least 500 feet from the nearest lot line of any of the following:</p> <ul style="list-style-type: none"> <li>(a) residential zoning districts, R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3-A, R-4, R-5 and any mixed residential zones including but not limited to a Planned Unit Development and the Downtown Center.</li> <li>(a) School;</li> <li>(b) Child care center or day care center;</li> <li>(c) Recreational facility;</li> <li>(d) Public library;</li> <li>(e) Public park.</li> </ul>
	<p>(12) Measurement: For subsection (11), measurement shall be made in a straight line from the nearest point on the lot line of the premises containing the principle structure used as a Medical Marihuana Facility to the nearest point on the lot line of the property containing the uses specified in subsections (11) (a) (b), (c), (d), and (e).</p> <p>(13) The property is exclusively used for storage, cultivation, processing, or transfer of marihuana. Providing or selling any other service, commodity, or product on the premises is prohibited.</p>

	<p>(14) The owner of the facility must have:</p> <ul style="list-style-type: none"> <li>(a) a license under Chapter 18 of the Code of Ordinances; and</li> <li>(b) Certificate of Compliance.</li> </ul> <p>(15) Each owner-occupant, or tenant in the facility must have all of the following:</p> <ul style="list-style-type: none"> <li>(a) a valid State of Michigan registry caregiver identification card or a State of Michigan registry patient identification card authorizing the patient to grow marihuana plants;</li> <li>(b) a license under Chapter 18 of the Code of Ordinances; and</li> <li>(c) a Certificate of Compliance.</li> </ul> <p>(16) In addition to the requirements of Chapter 18, Certificate of Compliance application must include:</p> <ul style="list-style-type: none"> <li>a waste disposal plan detailing plans for chemical disposal and plant waste and water disposal, subject to review and approval by the City Engineer, and in compliance with regulations of the MDEQ and codes and ordinances of the City of Warren including codes and ordinances pertaining to the discharge of water and by-products into the city sewer system;</li> </ul> <p>(17) A floor plan identifying the number of plants, chemical storage space, and other relevant aspects of the layout, subject to review and approval by the Building Inspection Division. To the extent permitted by law, floor plans will be kept confidential;</p> <p>(18) A heating system that is approved by the Building Division.</p> <p>(19) The area where a registered primary caregiver stores, cultivates, processes, or transfers marihuana is not used by any other registered primary caregivers for any purpose.</p> <p>(20) There is no storage of toxic, flammable, or hazardous materials on the premises.</p> <p>(21) There is no discharge of toxic, flammable, or hazardous materials into city sewer system.</p> <p>(22) No one uses or consumes marihuana on the property.</p> <p>(23) The marihuana is not visible to the public, and the plant materials are disposed of in secured areas and containers not accessible by the public.</p> <p>(24) The owner of the property must conspicuously post all required valid City-issued licenses, and any State of Michigan permit or certification inside the premises.</p> <p>(25) Any violation of these provisions will result in revocation of the license and other legal remedies and penalties.</p> <p>(26) If the growth, cultivation, or processing of marihuana leads to an event causing damage or injury to property or persons, including but not limited to an explosion, fire, or release of</p>
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	harmful substances, or violation of a state or local law, code or regulation, the owner and tenants are each responsible for reimbursing any costs associated with the emergency response, property repair, remediation and medical expenses caused by the event, and/ or prosecution.
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**IS HEREBY AMENDED TO READ, IN RELEVANT PART, AS FOLLOWS:**

**Section 17.02 – Industrial standards.**

All uses not herein expressly prohibited shall comply with the following table of standards.

	M-1	M-2	M-3	M-4
(aa) <i>Marihuana Businesses and Caregiver Operations</i> as provided for by Warren Code of Ordinances, Chapter 19.5 and Appendix A, Article IV-G	Yes	Yes	Yes	Yes

**SECTION 6.** This Ordinance shall take effect on May 17, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. 30-1064 was adopted by the Council of the City of Warren at its meeting held on April 27, 2021.

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SONJA BUFFA  
City Clerk

Published: May 12, 2021