

ORDINANCE NO. 80- 831

AN ORDINANCE TO AMEND Chapter 19.5 OF THE CODE OF ORDINANCES OF THE CITY OF WARREN, MICHIGAN ENTITLED "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"

THE CITY OF WARREN ORDAINS:

SECTION 1. That Section 19.5-7 of Article IV of Chapter 19.5 of the Code of Ordinances of the City of Warren, Michigan relating to Definitions, is amended to delete the definition of

"Marihuana review committee."

and to define "Permissible location" as

Permissible location means a property where the marihuana business meets the standards of the zoning ordinance, is permitted to operate by the Warren zoning ordinance, including but not limited to section 4G.07-4G.09, and, is not delinquent in taxes or water charges, 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 sixty (60) days from issuance. This includes all contiguous property with a common property owner.

SECTION 2. That Section 19.5-12 of Article IV of Chapter 19.5 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY AMENDED TO READ AS FOLLOW:

Sec. 19.5-12. Prohibitions.

The following operations or activities shall not occur at a marihuana business:

- (1) Transaction of any other business, except as permitted by the state operating license.
- (2) Residential use of occupation.
- (3) Offering free samples, except trade samples as permitted by the state regulations.
- (4) Conducting marihuana-related operations within the outdoor areas of the marihuana business premises, except outdoor growing as provided by section 19.5-15(a)(3).
- (5) Temporary marihuana events.
- (6) Transfer or sale, or distribution of marihuana products on food trucks, mobile units, or tented or within any designated outdoor areas.

- (7) Marihuana consumption, except as permitted in consumption establishments.
- (8) Consumption 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.
- (9) Consumption of or serving alcoholic liquor.
- (10) Smoking tobacco products indoors.
- (11) Transfer, distribution or sale of marihuana to, or employment of, any person under the age of twenty-one (21). No person under the age of 21 shall be allowed on the premises.

SECTION 2. That section 19.5-16 of Article IV of Chapter 19.5 of the Code of Ordinances,

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 19.5-16. Municipal license.

- (a) Number of licenses. Subject to Warren Code of Ordinances, chapter 19.5 and the zoning ordinance chapter 4G, and state law and regulations:
 - (1) The city may issue unlimited growing establishment/facility, process establishment/facility, secure transporter establishment/facility, and safety compliance establishment/facility licenses.
 - (2) The city may issue an unlimited number of provisioning center facility licenses subject to the locational requirements of the zoning ordinance. Co-location is not required.
 - (3) The city may issue an unlimited number of retail establishment licenses subject to the locational requirements of the zoning ordinance. Co-location is not required.
 - (4) The city may not issue any consumption establishment licenses.
 - (5) The city may not issue any microbusiness establishment licenses.
 - (6) The city may not issue any temporary marihuana event licenses.
- (b) Application for license. A person seeking a municipal license must submit to the City's Division of Building and Safety Engineering ("Building Department") all of the following:
 - (1) A non-refundable application fee, as set by city council resolution;
 - (2) A completed application and attachments on a form provided by the city;

- (3) The following documentation:
 - a. Property ownership information, including deed, purchase agreement, lease or rental agreements.
 - b. Marihuana business ownership information, including copies of government issued photo identification cards.
 - c. Designation of a local security contact and all contact information;
 - d. A copy of the facility plan and criminal history disclosure that the license applicant submitted to the state;
 - e. A municipal safety and nuisance abatement plan;
 - (4) Proof of insurance as required by the city;
 - (5) A cash bond for local cost recovery as required by the city;
 - (6) On forms provided by the city, affidavits or attestations that the proposed location is a permissible location, and the license applicant is compliant with the requirements listed in section 19.5-16(c)
 - (7) 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
 - (8) Any supplemental information required by the city to ensure compliance with this chapter.
- (c) Municipal license qualifications.
- (1) A municipal license applicant must satisfy all of the following requirements:
 - a. Submit a complete and signed application with completed attachments, a nonrefundable application fee, all required attachments, documents described above in section 19.5-16(b), cash bond, and insurance documentation to the Building Department.
 - b. Submit a facility plan, municipal safety and nuisance abatement plan that meets with the satisfaction of the Building Department.
 - c. The license applicant and responsible parties must each successfully pass a criminal history and background check.
 - d. Meet the locational requirements and criteria of sections 4G.07-4G.09 of the city's zoning ordinance.
 - e. An application for a Growing Establishment/Facility license or an application for any license type that will operate at a property holding a growing license must include an odor control plan.
 - (2) An application will be rejected if the applicant or its owners or members (1) have financial obligations to the city, including, but not limited to, delinquent taxes, outstanding taxes, liens, unpaid fines or fees, or unpaid water

charges; (2) have a history of uncompleted site plans within the past two years; have 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.

(d) Municipal license grant/denial.

- (1) The City will issue an administratively-approved municipal license to the applicant if the application satisfies and complies with all requirements referenced in this chapter, including but not limited to section 19.5-16(c) and the city's zoning ordinance, and after the applicant obtains all necessary approvals as detailed in this chapter, pays a non-refundable license fee and obtains a certificate of compliance. The license certificate issued by the City must be signed by the city's building director and the city's chief zoning inspector.
- (2) 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.

(e) Municipal license expiration.

- (1) All municipal licenses are valid for one (1) 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.
- (2) A municipal license is automatically suspended on the date of expiration and is subject to section 19.5-16(i).
- (3) The Building Department may grant one 60-day extension of the license if 1) the license has not been renewed for reasons beyond the control of the applicant; and 2) the applicant is proceeding diligently to satisfy the requirements of the renewal; and 3) the marijuana business is operating in accordance with laws, codes and ordinances.
- (4) The applicant must submit a written request for an extension to the Building Department at least five (5) days before the municipal license expires.

(f) Municipal license renewal.

- (1) A renewal application shall contain all of the following:
 - a. Nonrefundable renewal application fee as set by city council resolution;
 - b. Changes from the application submitted the immediately preceding year;

- c. 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
 - d. The current state operating license(s) for the marihuana business.
- (2) The license applicant shall submit a renewal application at least sixty (60) days before the municipal license expiration.
- (g) License revocation or nonrenewal.
 - (1) The city may revoke or not renew the municipal license, if any of the following occur:
 - a. The licensee or license applicant does not obtain its certificate of compliance within one hundred eighty (180) days of filing of the application, or three hundred sixty-five (365) days if City Council or Building Department grants the license applicant one (1) one hundred eighty-day extension for good cause.
 - b. The state rejects, revokes, or fails to grant or renew the license applicant's state operating license.
 - c. The municipal license application or renewal application or state operating license application contains false, inaccurate, fraudulent, or misleading information.
 - d. 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.
 - e. The licensee or license applicant is indebted to the city, which includes, but is not limited to, outstanding taxes, liens, unpaid license fees, unpaid renewal fees, unpaid fines, and unpaid water charges.
 - f. The licensee, license applicant, or other responsible party fails to abide by the facility or municipal safety and nuisance abatement plan or odor control plan as submitted to the city.
 - g. The licensee, license applicant, or other responsible party has recurring license or permit violations, revocations, or noncompliance and/or ordinance violations. This may be demonstrated by three or more notices of violations, citations, or court or blight judgments within the prior two years.
 - h. The licensee, license applicant, or other responsible party is convicted of a felony, a drug crime, or a crime involving dishonesty, false statement, or theft.
 - i. 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, or has health code violations.
 - j. The city determines that hazardous conditions exist at the marihuana business.

- k. The license applicant fails to provide adequate supervision of his/her/their/its employees to prevent violations of this chapter.
 - l. The license applicant fails to comply with the city zoning ordinance, the Warren Code of Ordinances, or the Michigan Building Codes.
 - (2) 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.
- (h) Appeal.
 - (1) Written request.
 - a. A license applicant may appeal an administrative ruling denying, revoking, or not renewing a municipal license. If the reason for the denial, revocation, or nonrenewal is a violation of the Michigan Construction Code or Michigan Building Code, the applicant's sole and exclusive remedy is to file an appeal with the city's Building Department within fourteen (14) days of the city's denial, revocation, or nonrenewal of the municipal license, which shall be heard by the city's Construction Board of Appeals within 30 (thirty) days of the filed appeal. For all other reasons being appealed, the applicant must submit a written request for an appeal hearing to City Council within fourteen (14) days of the city's denial, revocation, or nonrenewal of the municipal license.
 - b. 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.
 - (2) Hearing. For matters not involving the State Construction Code, City council shall hold a public hearing within thirty (30) days of the license applicant's notice of appeal. At the hearing, city council shall permit both the license applicant or his/her/its designee and a representative of the city to speak at the hearing.
 - (3) 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.
 - (4) Appeals. The license applicant may appeal city council's (i) upholding of an administrative ruling; or (ii) decision to not award a municipal license to the Macomb County Circuit Court. A decision of the Construction Board of Appeals may be appealed to the State Construction Commission.
- (i) Suspended municipal license.

- (1) The city shall suspend a municipal license if either of the following: (i) is expired unless an extension request is timely submitted in accordance with section 19.5-16(e) above; or (ii) the marihuana business poses a health or safety risk.
 - (2) A marihuana business with a suspended municipal license shall not transfer or sell marihuana or otherwise operate. All operations must cease.
 - (3) 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.
- (j) Change in marihuana business operations.
 - (1) Within ten (10) days of a change in operation that would materially alter any answer to a question on the municipal license application or renewal application, the licensee shall provide written notice of such change to the city's Building Department. The Building Department may require a written notice, form, or a new application depending on the circumstances.
- (k) License transfer. A licensee may transfer his/her/its municipal license if:
 - (1) The state approves the transfer of the corresponding state operating license;
 - (2) The licensee updates the application as required by this chapter; and
- (l) Multiple licenses. A license applicant shall obtain a corresponding municipal license for each required state operating license.

SECTION 2. This ordinance shall take effect on April 16, 2025.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-831 was adopted by the Council of the City of Warren at its meeting held on March 25, 2025.

SONJA BUFFA
CITY CLERK

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