

ORDINANCE NO. 80-769

AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF ORDINANCES RELATING TO AUTHORITY TO ISSUE APPEARANCE TICKETS AND ADD CHAPTER 19.5 TO THE CODE OF ORDINANCES RELATING TO MEDICAL MARIHUANA FACILITIES

THE CITY OF WARREN ORDAINS:

**SECTION 1.** That Chapter 1, Division 2, Section 1-9 of the Code of Ordinances of the City of Warren, Michigan,

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

(c) Issuance of appearance tickets. The following city personnel are authorized to issue appearance tickets for an alleged violation of the ordinances listed:

- (3) A city zoning administrator, chief zoning inspector or a zoning inspector shall have authority to issue and serve upon a person an appearance ticket if he or she has reasonable cause to believe that the person has committed a violation of any of the following provisions of this Code:
  - a. Mobile homes and trailers, Chapter 20.
  - b. Zoning ordinance, Appendix A.
  - c. Nuisances, Chapter 21.

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

(c) Issuance of appearance tickets. The following city personnel are authorized to issue appearance tickets for an alleged violation of the ordinances listed:

- (3) A city zoning administrator, chief zoning inspector or a zoning inspector shall have authority to issue and serve upon a person an appearance ticket if he or she has reasonable cause to believe that the person has committed a violation of any of the following provisions of this Code:
  - a. Mobile homes and trailers, Chapter 20.
  - b. Zoning ordinance, Appendix A.
  - c. Nuisances, Chapter 21.
  - d. Medical Marihuana, Chapter 19.5

**SECTION 2.** That the Code of Ordinances of the City of Warren, Michigan, is hereby amended by adding a chapter, to be numbered 19.5,

**WHICH SHALL READ AS FOLLOWS:**

**Chapter 19.5 – MEDICAL MARIHUANA FACILITIES**

**Article I. General Provisions.**

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

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

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

It is the purpose of this Chapter to promote the health, safety, and welfare of the citizens of the City by balancing registered qualifying medical marihuana patients access to medical marihuana and other residents’ concerns about potential odor, light, mold, explosion, fire, environmental contamination, and security caused by medical marihuana cultivation, processing, and use. The ordinance permits qualifying patients 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 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, dispensing, or possessing with intent to manufacture, distribute, or dispense is illegal under Federal Law, 21 USC 841.

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

- (1)** If marihuana cultivating, processing, testing, selling, extracting, or transporting causes property damage, personal injury, or other injury through explosion, fire, release of harmful substances, or any other event reasonably related to the cultivating, processing, testing, selling, extracting, or transporting marihuana, all people involved in or responsible for the marihuana cultivating, processing, testing, selling, extracting, or transporting are jointly and severally liable for all resulting damages. This includes, but is not limited to, damages associated with the emergency response, property repair, remediation, medical expenses, marihuana disposal, expenses related to discontinued use, and prosecution.

- (2) Before the City issues a Medical Marihuana Facility License, a person applying for a Medical Marihuana Facility License shall post a bond for local cost recovery. The City may use the bond to cover any expenses it incurs as described in Section 19.5-4(1) above.

#### **Sec. 19.5-5. Permission to Inspect.**

- (1) At any time, the Building Division, the Police Department, or the Fire Department may: inspect the real and personal property (including log books, other business records and security camera footage) associated with a Local Industrial Medical Marihuana Operation or a Medical Marihuana Facility.
- (2) At any time, the Police Department may inspect a Secure Transporter vehicle to determine compliance with the MMFLA.

#### **Sec. 19.5-6. Definitions.**

**Department** means the Department of Licensing and Regulatory Affairs.

**Cultivation or Cultivate** means (i) all phases of growth of marihuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling or relabeling of any form of marihuana.

**Grower** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center. Includes a license that has received multiple grower license from State of Michigan (Stack Licenses) shall be allowed and shall comply with MMFLA Regulations.

**Co-location** means a business that operates as both a licensed medical marijuana grower and also either a licensed provision center and/or medical marijuana processor at the same address.

**Licensee** means a person holding a state operating license under the MMFLA.

**Licensed Premises** means the facility at which a person or business holds a state operating license under the MMFLA.

**Medical Marihuana** means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

**Medical Marihuana Facility** means a location at which a license holder is licensed to operate under the Medical Marihuana Facilities Licensing Act.

**Marihuana Product** means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product is not considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

**Michigan Medical Marihuana Act** means the Michigan Medical Marihuana Act, MCL 333.26421 to 333.26430.

**Michigan Marihuana License** is a permission to operate a medical marihuana business in accordance with the ordinance.

**Processor** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

**Provisioning Center** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provision center for purposes of this act. "Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act.

**Registered Qualifying Patient** means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

**Safety Compliance Facility** means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**School** means an existing public or private state licensed public or private elementary, middle, junior high or high school. An in-home day care center is not a school. Vocation schools are not included in this definition. Developmentally Existing Disabled State Licensed Facility

**Stacked Licenses** means multiple Grower licenses issued by the State of Michigan to a Licensee as permitted by the MMFLA or rules and regulations adopted by the Bureau of Medical Marihuana Regulation (BMMR).

**Secure Transporter** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

**State Operating License** unless the context requires a different meaning, a “license” means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:

1. A grower
2. A processor
3. A secure transporter
4. A provisioning center
5. A safety compliance facility.

**Statewide Monitoring System**, unless the context requires a different meaning, “system” means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

1. Verifying registry identification cards.
2. Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
3. Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan Medical Marihuana Act, MCL 333.26424.

**Church** Tax-exempt religious institution.

## **Article II. Facilities.**

### **Sec. 19.5-7. Number and Types of Facilities.**

- (1) The City hereby authorizes as a permitted use the operation of the following medical marijuana facilities:
  - (a) Grower – Growers may have stacked licenses
    - a. Class a (up to 500 plants)
    - b. Class b (up to 1,000 plants)
    - c. Class c (up to 1,500 plants)
  - (b) Processor
  - (c) Secure transporter
  - (d) Provisioning center – no more than 10 sites to be approved as Provisioning Centers
  - (e) Safety compliance facility
- (2) The number of each of the licenses listed herein shall not be limited except Provisioning Centers.

- (3) A Provisioning Center shall not exceed 10 sites in the City of Warren. The City of Warren is not obligated to issue 10 Provisioning Center licenses. The City shall issue them whenever they want.
- (4) Once the Provisioning Center limit is reached, no further applications will be accepted and existing applications will be held in the order received when a license becomes available. Applications older than 12 months must be resubmitted with updated information in order to be considered for any license which becomes available.
- (5) Any license issued must be established and a Certificate of Compliance issued within six months, or the Licensee shall surrender the license if the use is not established within the required time.
- (6) Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility or growing operation.

**Sec. 19.5-8. Co-location - grower, processor, and provisioning center.**

- (1) Any combination of the following types of operating licenses may operate as separate marihuana facilities at the same location: Grower, Processor, Provisioning center.
- (2) To operate at a same location all of the following apply:
  - (a) The state has authorized the proposed operation at the same location;
  - (b) The operation at a same location shall not be in violation of any city ordinances or regulations;
  - (c) Each marihuana facility shall do all of the following:
    - (i) Apply for and be granted separate state and city operating licenses;
    - (ii) Have distinct and identifiable area with designated structures that are contiguous and specific to the operating license;
    - (iii) Have separate entrances and exits, inventory, record keeping and point of sale operations, if applicable;
    - (iv) Post the state and city licenses on the wall in a distinct area and as provided in this ordinance;
    - (v) Have the required inspections and permits for each building.
- (3) Operation at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provision center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that persons can clearly identify the retail entrance and exit.

**Article III. Operations.**

**Sec. 19.5-9. General requirements.**

- (1) Medical marihuana facilities shall meet all of the operating criteria under the Michigan Medical Marihuana Facilities Licensing Act and administrative rules adopted by the Michigan Licensing and Regulatory Affairs, Marihuana Licensing Division.

- (2) Licensees shall comply with, and conduct their business in compliance with, all applicable state and local laws including the following:
- (a) The facility is licensed by the State;
  - (b) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.
  - (c) A medical marihuana cultivation facility shall obtain a zoning compliance certificate and if the applicant is not the owner of the parcel, such certificate shall include the property owners' consent to the use of the parcel as a medical marihuana cultivation facility.
  - (d) The facility must be 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.
  - (e) In addition to the requirements of this Ordinance, a Certificate of Compliance application must include: A waste disposal plan detailing plans for chemical disposal, plant waste and water disposal, which shall be subject to review and approval by the waste water treatment plant. Said plan shall be 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;
  - (f) 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.
  - (g) The facility maintains:
    - (i) A daily log of the amount and location of the marihuana on the premises for each registered primary caregiver and each patient;
    - (ii) A daily log of all transfers; and
    - (iii) Any other written records necessary to show compliance with applicable state and local laws.
- (3) All applicants for a License must be current on City taxes and any other financial obligation to the City of Warren.
- (4) Provisioning Centers must obtain all necessary state and local license/permits before commencing operations and shall maintain a valid license during any period of operation.
- (5) No provisioning center may provide medical marihuana to any persons other than registered qualifying patients and registered primary caregivers whose status to possess cannabis pursuant to state law has been verified.
- (6) No medical marihuana provided to a registered primary caregiver may be supplied to any person(s) other than the registered qualifying patient(s) who designated the registered primary caregiver. A provisioning Center may give medical marihuana to a secure transporter for the purpose of transporting the material for testing.

- (7) Provisioning Centers must demonstrate compliance with state in law in the areas of security plans, inventory records, patient records, product safety, product labeling, disposal protocols and recall strategies.
- (8) Interior building lighting, exterior building lighting, and parking area lighting must be in compliance with applicable regulations, ordinances and building codes.
- (9) A Provisioning Center must have a heating and security system that is approved by the building division.
- (10) No provisioning center shall permit the sale or dispensing of alcoholic beverages for consumption on the premises or offsite of the premises.
- (11) Signs displayed on the exterior and interior of the property shall conform to state and city regulations.
- (12) Provisioning centers shall not have a drive-thru window.
- (13) All licensed medical marihuana facilities shall create and display a sign which is installed and maintained in a conspicuous location visible to all persons entering the premises located inside the building which reads as follows:  
THE MICHIGAN MEDICAL MARIHUANA ACT ACKNOWLEDGES THAT  
"FEDERAL LAW CURRENTLY PROHIBITS ANY USE OF MARIHUANA  
EXCEPT UNDER VERY LIMITED CIRCUMSTANCES" SEE MCL 333.26422(c).  
IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE CONSULT WITH  
YOUR ATTORNEY.
- (14) Immediately report in writing to the Division of Building and Safety Engineering any fire, accident, chemical spill, criminal activity on the premises, criminal charges brought against an owner, occupant, or operator of the business, or enforcement action taken against the facility, its owner, or the business operator by LARA or other government agency.

#### **Sec. 19.5-10. Prohibitions.**

Nothing in this ordinance allows any person to:

- (1) Engage in conduct that endangers others or causes a public nuisance;
- (2) Possess, cultivate, grow, use, or distribute marihuana for any purpose other than for use as medical marihuana as authorized and limited by the MMFLA and administrative rules and regulations;
- (3) Engage in any activity related to the possession, cultivation, growing, use, or distribution of marijuana that is otherwise not permitted under the laws of the City of Warren and the State of Michigan.



## **Article IV. License.**

### **Sec. 19.5-11. License Required.**

- (1)** No person shall own or operate a Medical Marihuana Facility ("Facility") in the City without first applying for and receiving a license from the Zoning Department after City Council approval. The initial application fee shall be \$5,000.
- (2)** A Facility or grow operation shall not include a club, café, or other design that permits consumption of medical marihuana at the facility or grow operation.
- (3)** A license is not transferable and shall only apply to the person listed on the license.
- (4)** Licenses shall be valid for a period of one year, from July 1<sup>st</sup> to June 30<sup>th</sup>.
- (5)** Applications to renew a license shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by an annual license fee as set by City Council.
- (6)** Licenses shall be displayed at all times, inside the location, in an open and conspicuous place.
- (7)** A use purporting to be engaged in the medical use of marihuana prior to enactment of the Michigan Medical Marihuana Facilities Licensing Act, or prior to being registered with the Michigan Department of Community Health, shall be deemed to not be a legally established use and not entitled to legal nonconforming status under the provision of this ordinance and under MMFTA.
- (8)** The issuance of any license pursuant to this Article does not create an exception, defense or any other immunity for any potential criminal liability any person may have for the cultivation, production, distribution, manufacture or possession of marihuana in any form, possession of illegal drug paraphernalia, or presence in places where illegal drugs are being used, distributed, stored or kept.

### **Sec. 19.5-12. License Application.**

- (1)** During the first year, applications for Medical Marihuana Facilities Licenses must be submitted by applicants along with the required fees. Applications will not be accepted after 60 days from the date the Administration has made the Applications available to the public. Applications shall be held by the City for one (1) year. New applications shall not be accepted until a license becomes available and shall be taken on a first come basis.
- (2)** The application, facility and site plan shall be submitted to the City of Warren on such forms and containing such information that the City shall prescribe, along with the required application fee as established by Council. Of the total required fee, \$2,500 is non-refundable. If the application is denied, the remainder of the fee will be returned to the applicant.
- (3)** Applications shall not be accepted unless a complete Plan has been submitted.
- (4)** The Plan shall include, but not be limited to:
  - (a)** The type of proposed marihuana facility or grow operation, location.

- (b) Diagram of the facility including, but not limited to, its size and dimensions; specifications; physical address; location of common entryways, doorways, or passageways; means of public entry or exit; limited access areas within the facility.
  - (c) Floor plan and layout, including dimensions, maximum storage capabilities, number of rooms, dividing structures, fire walls, and entrances and exits.
  - (d) Means of egress, including, but not limited to, delivery and transfer points.
  - (e) Construction details for structures and fire-rated construction for walls.
  - (f) Building structure information, including, but not limited to, new, pre-existing, free standing, or fixed. Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, building, mercantile building, laboratory or center.
  - (g) Zoning classification and information.
  - (h) Proposed security plan.
  - (i) Any other information required by this Ordinance or the City.
- (5) Applications shall include:**
- (a) The particular license or licenses for which the applicant is applying.
  - (b) An explanation of the services to be provided and a completed medical marihuana checklist, upon a form provided by the city clerk's office.
  - (c) Name and address of applicant.
    - (i) If applicant is a corporation, LLC, Partnership or Trust, the names and addresses of each officer, director, member, partner or beneficiary.
    - (ii) Copy of applicant's driver's license or state Identification.
  - (d) Employment and/or business history of the applicant for the past three years.
  - (e) Address of the proposed facility, designate whether the proposed facility will be new construction or renovation of an existing building.
  - (f) If a leased facility, an executed copy of the lease for the premises where the facility is proposed to be operated and a separate written consent from the owner of the premises authorizing the use of the premises.
  - (g) List of any community involvement with the City of Warren.
  - (h) Provide the proposed gross revenue to be generated from the facility for the ensuing year. A description of the type of marihuana facility; anticipated or actual number of employees; and projected or actual gross receipts.
  - (i) The days and hours the facility is proposed to be open or in operation.
  - (j) All criminal convictions, fully disclosing the jurisdiction of the conviction.
  - (k) Whether the applicant applied for a license from the state.
  - (l) Name and address of registered caregiver and years caregiver has been licensed.
  - (m) Provide the sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility.
  - (n) Has applicant had filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law.

### **Sec. 19.5-13. Review Process.**

- (1) Applicants shall submit to the Chief Zoning Inspector all documents as required by the instructions included with the application.
- (2) Applicants shall submit the application in accordance with Chapter 19.5 of the City of Warren Municipal Code with the Zoning Department, and provide a copy of said application with the plan to determine whether the application shall go for review.
- (3) If the Chief Zoning Inspector denies an application or determines that an application is deficient, it shall forward written notification of the denial, including the reason for such denial, to the applicant as set forth in the application process. A denial by the Chief Zoning Inspector is appealable to City Council.
- (4) A Medical Marihuana Review Committee, made up of the City Attorney, or his designee, the Director of the Public Service Department, or his designee, and the members of the Council Medical Marihuana Sub-Committee or alternates of the City Council, as appointed by City Council and alternates, shall review applications for Provisioning Centers.
  - (a) Applications and Plans shall be transmitted to the Review Committee for approval based upon the number of licenses available. City Council may hire the service of an auditing firm if they deem necessary.
  - (b) When reviewing plans and applications the Review Committee shall consider each applicant's submission and rate the plans and applications on a 0 to 10 score (0 does not comply and 10 meaning exceeds compliance requirements) considering the factors as provided below:
    - (i) The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marihuana facility of the applicant.
    - (ii) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
    - (iii) The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility.
    - (iv) Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise.
    - (v) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past 7 years.
    - (vi) Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.
    - (vii) Whether the applicant has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.
    - (viii) Whether at the time of application the applicant is a defendant in litigation involving its business practices.
    - (ix) The security proposed for the Facility or grow operation, and safety compliance plan.

- (x) Neighborhood compatibility with the DDA District or other area where the Facility is proposed to be located.
- (xi) The applicant's business plan, considering the applicant's business experience within the past ten years, history of performance and profit and loss statements for each business.
- (xii) Community involvement, including, but not limited to, charitable contributions and involvement.
- (xiii) Consideration of the effects of the proposed facility and/or growing operation on neighboring properties.
- (xiv) Written acknowledgment that the premises and surveillance and security camera recordings for protection of the public safety are subject to inspection for purposes of determining compliance with state and local laws, without a search warrant.
- (xv) Date of commencement.
- (xvi) Holistic approach with medical use.
- (xvii) Recycling systems/environmentally friendly system for the entire site operation.

#### **Sec. 19.5-14. Initial License Approval.**

- (1) The Review Committee shall forward the scores and applications to the City Council with recommendations. The issuance of any license shall be approved by the City Council.
- (2) Council shall confirm compliance with all requirements and factors in the granting of Licenses. If the number of applicants meeting the requirements herein exceed the number of available licenses, the Council shall rank the applicants in order, considering the factors outlined above and consideration of the Plan proposed for the Provisioning Center; new construction and thereafter reconstruction of buildings shall be ranked equal than those applications proposing existing buildings. The capitalization and improvements to real estate shall be ranked higher than proposed existing buildings. Ranking shall be based upon a 0 to 10 scale for each factor including zoning compliance with a 0 meaning does not comply and a 10 meaning exceeds compliance.

#### **Sec. 19.5-15. Transfer.**

- (1) A Local License is nontransferable.
- (2) The following are considered a transfer and require a new Local License:
  - (a) a change in Licensee ownership, including changes in company ownership;
  - (b) a major change in management;
  - (c) a major change in operational or building plans;
  - (d) a change in location; or
  - (e) the Bureau of Medical Marihuana requires a new State Operating License.

### **Sec. 19.16-. Revocation.**

A License issued under this Section may be revoked by the City for any of the following:

- (1) Fraudulent or material misrepresentation contained in the Application.
- (2) A pattern of violations of this Section or actions creating a nuisance, after reasonable notice and opportunity to cure.
- (3) A loss after final determination of the State Medical Marihuana Licensing Board of the Licensee Holder's State Medical Marihuana Facility License.
- (4) Failure or refusal to pay the Annual Fee.
- (5) Any conduct or act contrary to the Michigan Medical Marihuana Act or other applicable law, rules or regulations is prohibited and could result in revocation of the license and other legal remedies and penalties.
- (6) 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 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.

### **Sec. 19.5-17. Appeal.**

- (1) An appeal of the Chief Zoning Officer's decision to reject an application; or revoke, suspend, or fail to renew a License is to City Council.
  - (a) The Chief Zoning Inspector shall notify the Applicant or Licensee of the reason for an adverse licensing or application decision.
  - (b) If the Applicant or Licensee wants to appeal the Chief Zoning Inspector's adverse decision, within 14 days of the adverse decision, the Applicant or Licensee shall submit a written request to City Council for an appeal hearing, stating in detail the grounds for the appeal.
  - (c) City Council shall notice, schedule, and hold an appeal hearing to review the Chief Zoning Officer's decision within 30 days of the submission of the written appeal request.
- (2) An appeal of a City Council decision to deny a License is to the Macomb County Circuit Court.

## **Article V. Miscellaneous.**

### **Sec. 19.5-18. Hours of Operation.**

- (1) A retail provisioning center may open no earlier than 8:00 a.m. and shall close no later than 9:00 p.m. the same day. No sales of medical marihuana shall occur outside these hours. Business hours shall be posted at the entrance of the Provisioning Center.
- (2) All medical marihuana businesses may be open seven (7) days per week. There shall be no hourly restriction on the hours of operation of medical marihuana grower, processor, safety compliance and secure transporter facilities.

### **Sec. 19.5-19. Public Access Restricted.**

Medical marihuana facilities, other than Provisioning Centers, shall not be open to the public. All visitors must be tracked in an entry log identifying the visitor's name, entry and departure times and the purpose of the visit. A licensee may allow access to persons who are actively engaged in the maintenance, repair or improvement of the licensed premises.

### **Sec. 19.5-20. Outdoor Activity.**

With the exception of growing marihuana plants outdoors as permitted by MCL 333.26423(d), all medical marihuana cultivation, processing, distribution and testing shall occur indoors and shall not be visible from the exterior of the building. All activities of medical marihuana facilities shall be conducted out of public view.

All marihuana and/or marihuana products shall be kept indoors and shall not be visible from the exterior of the building. All marihuana or marihuana products ready for sale shall be maintained in a locked cabinet except when being accessed for distribution.

### **Sec. 19.5-21. Signage.**

All signage for any medical marihuana facility shall comply with all applicable state laws as well as City of Warren Ordinances. Signs and displays depicting a marihuana leaf are prohibited. No signage shall contain slang any terms for marijuana such as "reefer", "ganja", "weed" or similar slang references to marihuana or cannabis. Signage with the word "marihuana" or "cannabis" or another word or phrase understood to mean marihuana is prohibited unless such word or phrase is immediately preceded by the word "medical" in type and font that is at least as readily discernible as the other words in the phrase or sentence. Deceptive, false, or misleading signage is prohibited at any medical marihuana facility. Green cross graphic signs on the exterior of a medical marihuana facility is prohibited.

### **Sec. 19.5-22. Ventilation and Odor Control.**

- (1) No marihuana vapors or odor shall be detectable from the exterior of any medical marihuana facility or from within any adjoining premises.
- (2) Medical marijuana grower facilities, medical marihuana processor facilities and medical marijuana safety compliance facilities may not operate without an approved odor control/ventilation plan. An odor control/ventilation plan shall describe the ventilation systems that will be used and how such system will operate to prevent any odor of marihuana leaving the premises.

#### **Sec. 19.5-23. Prohibited Activities.**

- (1) The use, consumption, ingestion or inhalation of marihuana or marihuana products on or within the premises of any marihuana facility is prohibited.
- (2) The sale or on-site consumption of alcoholic beverages is prohibited.
- (3) No free samples of medical marihuana shall be distributed from any medical marihuana facility.
- (4) There is no storage of toxic, flammable, or hazardous materials on the premises.
- (5) There is no discharge of toxic, flammable or hazardous materials into city sewer system.
- (6) It shall be prohibited to distribute medical marihuana from any outdoor location. No medical marihuana grower facility processing facility, secure transportation facility or safety compliance facility shall post or allow to be posted signs or other advertising materials identifying the premises as being associated with the cultivation, processing, transportation or testing of medical marihuana.
- (7) No medical marihuana facility shall be permitted to operate from a moveable, mobile, or transitory location. Drive through facilities are prohibited.

#### **Sec. 19.5-24. Minors.**

No minors under the age of 18 years of age are permitted within a medical marihuana facility. An individual **MUST** have a medical marihuana card in order to be present in a Provisioning Center.

#### **Sec. 19.5-25. Disposal.**

All licensees must provide for the secure disposal or permissible recycling of marihuana and related waste as required by state law and regulation. Waste containing marihuana may not be placed for collection with regular solid waste and/or recyclables.

#### **Sec. 19.5-26. Severability.**

If a court of competent jurisdiction holds any portion of this Chapter to be invalid for any reason, the remaining portions of the Chapter, not specifically held to be invalid, remain valid and enforceable.

#### **Sec. 19.5-27. Site Plan.**

No medical marihuana facility shall operate within the City of Warren without an approved site plan, as required by local ordinance.

#### **Sec. 19.5-28. Certificate of Compliance.**

No medical marihuana facility shall operate within the City of Warren without a valid Certificate of Compliance.

## **Article VI. Penalties and suspension of a license.**

### **Sec. 19.5-29. Penalty.**

- (1)** Any person in violation of any provision of this Chapter, including the operation of a medical marijuana establishment without a license issued pursuant to this Chapter, shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this section, "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any 12-month period. Unless otherwise specifically provided in this Chapter, the penalty schedule is as follows:
  - (a) \$750.00, plus costs, for the first violation;
  - (b) \$1,000.00, plus costs, for the repeat violation;
  - (c) \$1,000.00, plus costs, per day, plus costs, for any violation that continues for more than one day.
- (2)** All fines imposed under this Chapter shall be paid within 45 days after the effective date of the Order imposing the fine or as otherwise specified in the Order.

### **Sec. 19.5-30. Suspension.**

The Chief Zoning Inspector may temporarily suspend a medical marijuana establishment license without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The Chief Zoning Inspector shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

**SECTION 3.** This Ordinance shall take effect on January 2, 2019.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-769 was adopted by the Council of the City of Warren at its meeting held on December 11, 2018.

Published: December 26, 2018

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SONJA BUFFA  
City Clerk