

ORDINANCE NO. 30-1048

AN ORDINANCE TO AMEND APPENDIX A, CHAPTER 4G – MEDICAL MARIHUANA  
THE CITY OF WARREN ORDAINS:

**SECTION 1.** That Appendix A, Article IV-G of the Code of Ordinances of the City  
of Warren, Michigan,

**IS HEREBY AMENDED TO READ 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.**

A-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.*

**SECTION 2.** This Ordinance shall take effect on August 14, 2019.

I HEREBY CERTIFY that the foregoing Ordinance No. 30-1048 was adopted by the Council of the City of Warren at its meeting held on July 23, 2019.

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SONJA BUFFA  
City Clerk

Published: August 14, 2019