

ORDINANCE NO. 80-778

AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF ORDINANCES RELATING TO CHAPTER 19.5 - MEDICAL MARIHUANA FACILITIES BY CHANGING THE NUMBER OF PERMISSIBLE PROVISIONING CENTER LICENSES AND PERMITTING MMFLA AND MRTMA SHARED FACILITIES.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 19.5-7, Section of the Code of Ordinances of the City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

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 Provisioning Center 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. If not completed within six months, the applicant who was approved for dispensary can request an additional six months if it is new construction or in the process of remodeling or licensing issues.

- (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.

IS HEREBY AMENDED TO READ AS FOLLOWS:

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

- (1) The City authorizes 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
 - (e) Safety compliance facility
- (2) The number of each of the licenses listed herein shall not be limited except Provisioning Centers.
- (3) The City may issue up to 15 Provisioning Center Licenses. The City may issue these Provisioning Center Licenses at any time.
- (4) Once the City has issued 15 Provisioning Center Licenses, the City will stop accepting new applications until a license becomes available. The City will hold existing applications for 12 months from the date of submission.
- (5) Any Provisioning Center license issued must be established and a Certificate of Compliance issued within six months or the Licensee shall surrender the license. A Licensee may apply for an extension to City Council before the six-month time-limit elapses. Upon the Licensee's submission of a timely request to extend, City Council may grant one six-month extension for good cause.
- (6) The Licensee shall obtain Zoning approval before the City issues a medical marijuana facility license. Even if a Licensee obtains zoning approval, the City may still deny the application.

SECTION 2. That Chapter 19.5-8, Section of the Code of Ordinances of the City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

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.

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 19.5-8. Co-location - grower, processor, provisioning center, and Michigan Regulation and Taxation of Marihuana Act (MRTMA) facilities.

- (1) Any combination of the following types of MMFLA operating licenses may operate as separate marihuana facilities at the same location: Grower, Processor, Provisioning center (MMFLA co-location facility).
- (2) To operate a MMFLA co-location facility the Applicant shall do all of the following:
 - (a) Offer proof that the State has authorized the proposed operation at the same location;

- (b) Operate the facility in such a way that it is not in violation of any City or State statutes/ordinances and regulations;
 - (c) Apply for and be granted separate State and City operating licenses for each separate function of the facility: MMFLA grow, MMFLA process, and MMFLA provisioning;
 - (d) Have distinct and identifiable area with designated structures that are contiguous and specific to the operating license;
 - (e) Have separate entrances and exits, inventory, record keeping and point of sale operations, if applicable;
 - (f) Post the State and City licenses on the wall in a distinct area and as provided in this Ordinance; and
 - (g) Have the required inspections and permits for each building.
- (3)** A co-location facility that includes a provisioning center shall have the entrance and exit to the provisioning center and entire inventory physically separated from any of the other part of the facility so that a person can clearly identify the retail entrance and exit.
- (4)** A MRTMA grower, MRTMA processor, or MRTMA grower and processor facility may operate at the same location as a licensed MMFLA Grower, MMFLA Processor, MMFLA Provisioning center, or MMFLA Co-location facility (MMFLA/MRTMA shared facility).
- (5)** To operate MMFLA/MRTMA shared facility, the Applicant shall do all of the following:
- (a) Offer proof that the State has authorized the proposed operation at the same location;
 - (b) Apply for and be granted separate State and City operating licenses for each separate function of the facility: MMFLA grow, MMFLA process, MMFLA provisioning;
 - (c) Operate the facility in such a way that it is not in violation of any City or State ordinances/statutes and regulations; and
 - (d) Guarantee a minimum investment of \$2,500,000 in the shared facility.

SECTION 2. This Ordinance shall take effect on September 25, 2019.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-778 was adopted by the Council of the City of Warren at its meeting held on July 23, 2019.

SONJA BUFFA
City Clerk