

ORDINANCE NO. 04-23

**CITY OF HAZEL PARK
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND TITLE 5, BUSINESS LICENSES AND REGULATIONS,
CHAPTER 5.04 COMMERCIAL MARIHUANA FACILITIES,**

SECTION 5.04.030 LOCATION, NUMBER, AND TYPES OF LICENSES.

**SECTION 5.04.040 FACILITY REQUIREMENT, AND WHERE APPLICABLE,
TEMPORARY MARIHUANA EVENT REQUIREMENTS**

THE CITY OF HAZEL PARK ORDAINS:

PART I. AMENDMENT.

5.04.030(D). All proposed facilities shall meet the specific zoning district requirements as outlined in the City of Hazel Park's Zoning Ordinance, as amended and in future amendments.

5.04.030(E). All facilities must maintain local dual licensure of the equivalent license type . to the MMFLA and the MRTMA as defined in Section 5.04.020.M and under the administrative rules. The city council may consider a waiver for a facility licensed under MMFLA that does not wish to maintain licensure under MRTMA.

5.04.030(H). The city of Hazel Park authorizes the following types of facilities. There shall be no more than a maximum of six physical locations for each type of facility unless City Council expressly votes to exceed the maximum. A facility operating as a grower and/or processor and/or retailer shall be counted as separate physical locations for each city operating license held at that location. There shall be no more than six city operating licenses for each license type permitted in the city of Hazel Park unless the City Council expressly votes to exceed the maximum.

1. For medical operations:
 - a. Class A grower; up to 500 plants.
 - b. Class B grower; up to 1,000 plants.
 - c. Class C grower; up to 1,500 plants.
 - d. Processor
 - i. Extractions.
 - ii. Non-Extractions.
 - e. Secure transporter.
 - f. Provisioning center (retailer).

- g. Safety compliance facility.
- 2. For recreational operations:
 - a. Class A grower; up to 100 plants.
 - b. Class B grower, up to 500 plants.
 - c. Class C grower; up to 2,000 plants.
 - d. Processor
 - i. Extractions.
 - ii. Non-Extractions.
 - e. Secure transporter.
 - f. Retailer.
 - g. Safety compliance facility.

5.04.030(I). The city of Hazel Park authorizes the following types of facilities. Microbusinesses shall be limited to two city operating licenses within city boundaries, unless City Council expressly votes to exceed the maximum.

5.04.030(J). The city of Hazel Park authorizes the following types of facilities. Designated consumption establishments shall be limited to two city operating licenses within city boundaries, unless City Council expressly votes to exceed the maximum.

5.04.030(L). No medical or recreational marihuana facilities shall be permitted in certain art, culinary and retail portions of John R Road located within the LB District. Facilities shall be prohibited on John R Road from Elza to Evelyn, Granet to Woodruff, and Tucker to Garfield. This provision shall not apply to any approved or pending application(s) received prior to the adoption of this chapter on John R from Elza to Evelyn and Granet to Woodruff.

5.04.030(N). Applications for available city operating license(s) shall be accepted for consideration defined by a specific time period. The specific time period for the city to accept new applications shall be recommended by the city manager or designee and codified by approval of the city council.

5.040.030(O). An increase in the number of licenses issued to a facility or an increase in the number of facility locations shall only be considered by approval of the city council.

5.040.030(R). No medical marihuana patient or primary caregiver registered under and defined by the MMMA may utilize a commercial building in the CB, LB, LB-M, BC-1, M-1, or PUD Zoning Districts for purposes of growing plants for patients under the MMMA. Further, the licensed patient or primary caregiver may not utilize a commercial building in a

residential area (RA-1, 2, 3; RB; RC; or RC-1) that has a continuing, existing nonconforming commercial use. A primary caregiver may only utilize a house in a residentially zoned district that the primary caregiver resides in full-time to grow marihuana under the MMMA. The primary caregiver shall notify and register the house with the City Clerk's Office annually no later than January 31, as an address where marihuana is grown under the MMMA. This information shall be exempt from FOIA disclosures. In addition, the growing of marihuana in said residence may not constitute a nuisance, affecting the neighbor's quiet enjoyment of their property, and the house utilized for growing marihuana under the MMMA must meet all building, electrical, mechanical, and plumbing code standards with proper permits and inspections, etc., as required by the building department.

5.04.040(D). Premises liability and casualty damage insurance in the amount of one million dollars (\$1,000,000.00) shall be maintained and proof shall be submitted to the city when the applicant has been notified that they are ready for final approval. Proof of adequate premises liability and casualty insurance policy in the amount of no less than one million (\$1,000,000) dollars, covering the marihuana facility and naming the city as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors. Proof of executed insurance shall be provided to the city clerk within 30 days of the issuance and/or re-issuance/renewal of the city operating license as proposed in the application.

5.04.040(H). No marihuana facility shall allow the inhalation, use, or the consumption of marihuana, tobacco, or alcohol, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.

5.04.040(I). Alcoholic beverages and nicotine products shall not be sold, conveyed, or consumed on the premises of any facility except where permitted by the MMFLA, MRTMA, or corresponding administrative rules. Nor shall any person be present on the premises of a facility while intoxicated and/or under the influence of alcohol or any other controlled substance, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules.

5.04.040(J). No marihuana may be smoked, used, or consumed at any marihuana establishment except a designated consumption establishment except where permitted by the MMFLA, MRTMA, or corresponding administrative rules, or a temporary marihuana event that has been approved by the state and city for consumption and/or sales.

5.04.040(K). The facility shall be subject to inspection by law enforcement, city officials, officials from the department, or the state department of community health during the hours of operation, or at request after hours.

5.04.040(M). The portion of the facility, such as a grow room, processing room, extraction room, and the storage of any chemicals, such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the city of Hazel Park Fire Chief, or his or her duly authorized representative, to ensure compliance with the applicable Michigan Fire Protection Code.

5.04.040(P). No person under the age of 18 years shall be permitted to enter a facility, except where permitted by the MMFLA, MRTMA, or corresponding administrative rules. A person under the age of 18 years who possesses a valid medical marihuana card issued by the state or another state, and is accompanied by his/her legal guardian, may enter a licensed medical retailer facility.

5.04.040(DD). Discharge of chemical(s), toxic, flammable, corrosive, erosive, poisonous, or hazardous materials, including solid or liquid, residual, soil, or otherwise into the city sewer or storm drains or disposal upon the land surrounding the facility is prohibited. Disposal by onsite burning is prohibited. Public water protection devices/backflow devices/backflow assembly shall be installed at the water meter for all facilities and shall be approved by the building department and water department.

5.04.040(EE)(1). Facilities shall implement the following security measures:

1. There must be at least one designated security person in place on the site during operating hours, subject to increased security requirements, including a 24-hour security guard requirement, upon notice by the city manager or designee.

5.04.040(OO). All facility's hours of public operation, other than consumption lounges and delivery, shall be no earlier than 8:00 a.m. and no later than 10:00 p.m. Consumption lounges shall be no earlier than 8:00 a.m. and no later than 2:00 a.m. Delivery shall be no earlier than 8:00 a.m. and no later than 2:00 a.m.

5.04.040(ZZ). Designated consumption establishments' hours of operation shall be within the hours of 8:00 a.m. to 2:00 a.m.

5.04.040 (YY). Designated consumption establishments must designate an onsite security person during all business hours.

PART II. SAVING CLAUSE.

The above amendment does not affect or impair any act done, offense committed, or right accruing or accrued or liability, penalty, forfeiture, or punishment, pending or incurred to these amendments.

PART III. REPEAL.

This ordinance hereby repeals any ordinance which conflicts with the provisions hereof.


PART IV. EFFECTIVE DATE; PUBLICATION.

The provisions of this ordinance shall become effective ten days after publication and shall be published within ten days of its adoption by the publication of a brief notice in the newspaper circulated in the city stating the date of the enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk deems

pertinent, and that a copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 28TH DAY OF MARCH 2023, 2023.



MICHAEL WEBB, MAYOR


LISA K. MAYO, CITY CLERK

Date of Adoption: 3-28-23
Date of Publication: 4-5-23
Effective Date: 4-14-23

CERTIFICATE OF ADOPTION

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the City Council of the City of Hazel Park, held on the 28TH day of MARCH, 2023.


LISA K. MAYO, CITY CLERK