

Proposed Repeal of Sec. 18-422(1) – “and public parks” & 18-423(6)(d)

ARTICLE VI. - MARIHUANA ESTABLISHMENTS

Sec. 18-421. - Definitions.

As used in this article:

- (1) Any term defined by the Michigan Regulation and Taxation of Marihuana Act 333.27951, et seq. ("MRTMA"), shall have the definition given in the MRTMA, and any amendments thereto.
- (2) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("MMMA"), shall have the definition given in the MMMA, and any amendments thereto.
- (3) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq. ("MMFLA"), shall have the definition given in the MMFLA, and any amendments thereto.
- (4) Any term defined by the Marihuana Tracking Act, MCL 333.27901, et seq. ("MTA"), shall have the definition given in the MTA, and any amendments thereto.

In the event of a conflict between the definition of any term under the MRTMA and any other act referenced in this section, or between the definition of any term in this article and the definition of the term under the MRMTA, the definition under the MRMTA, and any amendments thereto, shall be applied.

City means the City of Center Line.

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

State rules means the Emergency Rules, or the Final Rules hereafter promulgated, by the Michigan Department of Licensing and Regulatory Affairs.
(Ord. of 9-14-2020(2))

Sec. 18-422. - Purpose and intent.

Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with Michigan law. Also, since Federal law is not affected by Michigan law, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. Michigan law does not protect users, producers, or distributors from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. This article shall not limit an individual or entity's rights under the MRTMA, the MMMA, or the MMFLA. Businesses operating pursuant to the MMMA or the MMFLA are regulated under Article V of this Code.

It is determined necessary for the health, safety and welfare of the city to adopt this article regulating the location and operation of marihuana establishments for the following reasons, without limitation:

To ensure that the procedures utilized for this purpose are compatible with the character of the community,

- (1) The location of, and easy access to, marihuana in close proximity to homes, apartments, schools, churches, and licensed day care centers, and public parks gives an impression of legitimacy to such uses and have adverse effects upon children, established family relations, property values and public safety,
- (2) To protect the citizens from any dangers associated with the growth of marihuana.

Marihuana use or distribution may incur civil or criminal liability. Marihuana is classified federally as a Schedule 1 Drug under the Controlled Substances Act and is illegal to possess, manufacture, distribute or dispense. Schedule 1 Drugs have a high potential for abuse and Marihuana is not an FDA approved medical treatment.

(Ord. of 9-14-2020(2))

Sec. 18-423. - MRTMA permit allowance and application ordinance.

- (1) Under the MRTMA, a municipality may adopt an ordinance to authorize one or more types of establishments within its boundaries and to limit the number of each type of establishments.
- (2) Under the MRTMA, a municipality may promulgate other regulations relating to marijuana establishments within its jurisdiction, including zoning regulations, signage regulations, and regulations upon the time, place, and manner of marihuana usage and commerce.
- (3) The city hereby establishes the type and number of establishments it will authorize within its boundaries and additional regulations pertaining to such establishments. No person may operate an establishment in the city without a permit ("Permit"). The permit requirement in this chapter applies to all commercial marihuana locations that exist on the effective date of this article or are established after the effective date of this article and apply to all persons and entities who engage or have engaged in any of the activities that may obtain a state operating license under the MRTMA or MMFLA, or which purport to operate pursuant to the MMMA, without regard to whether they called or call their businesses "wellness centers," "dispensaries," "cultivation facilities," "clubs," "cooperatives," or any other similar label. A person who engaged in any of the activities that are included in the definitions in the MRTMA or MMFLA of the types of entities that may obtain a state operating license before the effective date of the MRTMA or MMFLA or before obtaining a state operating license does not have a vested right to obtain a city permit.
- (4) The following types of establishments shall be authorized in the city by issuance of a permit ("Permit") as provided herein, in the quantities specified, subject to all applicable laws, ordinances, and State Rules, including zoning requirements:
 - (a) Growers.

- i. The number of Class A Growers shall be limited to five, so long as the total combined number of Class A Growers authorized under this article and under article V, Medical Marihuana Facilities, does not exceed five total Class A Growers.
 - ii. The number of Class B Growers shall be limited to five, so long as the total combined number of Class B Growers authorized under this article and under article V, Medical Marihuana Facilities, does not exceed five total Class B Growers.
 - iii. The number of Class C Growers shall be limited 20, so long as the total combined number of Class C Growers authorized under this article and under article V, Medical Marihuana Facilities, does not exceed 20 total Class C Growers.
 - iv. The number of excess growers shall be limited to five.
- (b) Processors. The number of processors shall be limited to 15, so long as the total combined number of processors authorized under this article and under article V, Medical Marihuana Facilities, does not exceed 15 total processors.
- (c) Secure transporters. The number of secure transporters shall be limited to 15, so long as the total combined number of secure transporters authorized under this article and under article V, Medical Marihuana Facilities, does not exceed 15 total secure transporters.
- (d) Safety compliance facilities. The number of safety compliance facilities shall be limited to 15, so long as the total combined number of safety compliance facilities authorized under this article and under article V, Medical Marihuana Facilities, does not exceed 15 total facilities.
- (f) Retailers. The number of retailers shall be limited to 15, so long as the total combined number of single locations of retailers authorized under this ordinance, and marihuana provisioning centers authorized under article V, Medical Marihuana Facilities, does not exceed 15 such locations. By way of example, if 14 provisioning centers have been authorized under article V, then only one retailer could be authorized under this article. However, up to 14 additional retailers could be authorized under this article, so long as they were co-located with the existing provisioning centers already established.
- (g) Microbusinesses. The number of microbusinesses shall be limited to five.
- (5) The foregoing permit quantities shall be subject to the availability of locations in areas zoned for establishments and shall be reduced to the extent locations are unavailable in such areas.
- (6) Any establishments approved under this article and under the MRTMA shall comply with the City of Center Line zoning provisions and shall be limited to locations, and only located within a building, within the M1 and M2 zoning districts, and shall be located, by street address, in said zoning districts on Liberal Avenue, Lawrence Avenue, Bernice Avenue and Sherwood Avenue only, and subject to the following conditions and set-back requirements below:
 - (a) Except for establishments qualifying as secure transporters or safety compliance facilities under MCL 333.27951, et seq., an establishment must be 200 feet or more from of any residential zoning district or existing residential dwelling used for medical marijuana.
 - (b) An establishment must be 400 feet or more from any school, including child care or day care facility.
 - (c) Except for establishments qualifying as secure transporters or safety

compliance facilities under MCL 333.27951, et seq., an establishment must be 200 feet or more from the property line of any church, house of worship or other religious facility or institution.

~~(d) Except for establishments qualifying as secure transporters or safety-compliance facilities under MCL 333.27951, an establishment must be 200 feet or more from any public park, publicly owned building or recreational area commonly used by minor children.~~

- (7) Each applicant for authorization to operate an establishment within the city shall pay a non-refundable application fee of \$1,500.00, fill out the city's application form, and provide all documentation and information requested by the city. Without limitation, the applicant must specify the property address of the proposed establishment, which must be located within an area zoned for such use, and provide proof of ownership or tenancy of said property. In the event an applicant supplies a binding purchase agreement and the applicant is otherwise deemed to qualify for a permit, the city may issue a permit conditioned on the applicant submitting a deed to the property within 90 days of issuance of the permit. The city manager shall, consistent with the requirements of this article, evaluate and nominate for approval by the city council those applicants which the city manager determines should be awarded a permit ("Nominees"). In determining the nominees, the city manager shall consider the following criteria: (1) compliance with application requirements; (2) compliance with the requirements of this Ordinance; (3) capitalization and means to operate the proposed facility; (4) business history and experience, including previous experience with the City of Center Line; (5) regulatory compliance/legal history; (6) strength of business plan; (7) integrity, moral character, and cooperation level with the city; (8) financial benefit to the city; and (9) any other consideration relevant to the public health, safety, or welfare. Upon receipt of the city manager's nominees, the city council shall conduct a vote on each nominee, and any nominee approved by a simple majority of the city council shall be issued a permit. Permits are non-transferable and non-assignable and shall be specific to the licensee and the location authorized. A transfer of an ownership interest in a business entity operating an establishment shall be deemed to be a transfer hereunder. No person may operate an establishment in the city without a permit.
- (8) Each licensee operating an establishment within the city shall pay to the city, on an annual basis, a non-refundable fee of \$5,000.00 per license to help defray administrative and enforcement costs.
- (9) All establishments shall be inspected by the city on an annual basis to ensure: (i) compliance with applicable regulations and requirements; and (ii) that there are appropriate electrical, fire safety, plumbing, filtration, and waste disposal systems provided on-site. Each licensee shall pay to the city an annual inspection fee of \$4,000.00 to cover the cost of such inspections. In addition to the foregoing annual inspections, the city may inspect any establishment, at any time, upon reasonable cause to believe that a violation of the MRTMA, State Rules, or this article has occurred.
- (10) All establishments operating within the city shall be subject to the following additional requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the MRTMA, the MRTMA shall prevail.

- (a) Exterior signage. Establishments may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Establishments may not use exterior signage or displays that contain an image of a marihuana leaf or other commonly recognized symbol, or for marihuana or which utilize any of the following words: marihuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products.
- (b) Hours of operation. Establishments may only operate between the hours of 9:00 a.m. and 9:00 p.m.
- (c) Use at establishments. No marihuana may be smoked, used, or consumed at any Establishment.
- (d) Indoor operations/No drive-thru service. All business operations of an establishment must occur indoors. Establishments may not provide drive-thru service.
- (e) Transportation. Any establishment selling usable marihuana as defined in MCL 333.26423(n), must, at the time of sale, provide all purchasers with a copy of Center Line Ordinance section 46-180.
- (f) Odors. Establishments may not emit noxious odors or fumes.
- (g) Artificial lighting. Any artificial lighting must not be visible from neighboring properties, streets, or rights- of-way.
- (h) Security. Establishments must have:
 - i. A monitored alarm system (24 hours per day and seven days a week);
 - ii. A safe for all cash, cash equivalents, and marihuana stored in the establishment overnight;
 - iii. Secured parking areas, with secure, decorative fencing around the entire perimeter and with a gated entry for vehicular traffic; such gate may remain open during operating hours and must be securely locked after hours;
 - iv. Security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled;
 - v. All security recordings must be maintained for a minimum of 30 days and provided to law enforcement upon request.
 - vi. All establishments must provide to the city an IP address which provides the city with real-time access to all security camera feeds at the establishment.
- (i) Display of permit. The permit issued by the city and the license issued by the State of Michigan shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
- (j) Access by minors. No person under the age of 18 shall be permitted to enter a facility.
- (k) Systems. All establishments must have electrical, fire safety, plumbing, filtration, and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.
- (l) Fire suppression systems. All establishments, no matter the square footage, shall have approved and installed fire suppression systems, with all square footage of the facility fire suppressed and covered with overhead sprinkler head fire suppression systems, as dictated by the City of Center Line Fire Marshall.

- (m) Compliance with laws. All establishments must be operated in compliance with the MRTMA, all regulations promulgated under the MRTMA including State Rules, and all other applicable federal, state, and local laws, regulations, and ordinances. legal requirements in order to operate.
- (11) No temporary certificates of occupancy. No establishment may operate under a temporary certificate of occupancy. Establishments must be in full compliance with all applicable legal requirements in order to operate.
- (12) Termination of authorization. If a establishment is operated in violation of the MRTMA or any applicable ordinance, or if the licensee is found to have submitted false or misleading information in its permit application, the city may revoke the permit or such establishment to operate within city. The city retains the right to alter the number and type of establishments authorized hereunder at any time. Any permit granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.
- (13) Penalties. With respect to any establishment that is in violation of any requirement or restriction set forth in this article, the licensee of a establishment, any person who holds an ownership interest in an establishment, and any on-site manager shall be subject to a civil infraction of \$500.00.
 - (a) The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.
 - (b) In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

(Ord. of 9-14-2020(2))