

STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF RIVER ROUGE

**ORDINANCE 16-461-5**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF RIVER ROUGE, MICHIGAN, BY AMENDING **CHAPTER 16 – MEDICAL MARIHUANA DISPENSARY & CULTIVATION FACILITY LICENSING** OF TITLE 5 - BUSINESS LICENSES AND REGULATIONS, OF SAID CODE.

**THE CITY OF RIVER ROUGE ORDAINS:**

SECTION 1. Chapter 16 of Title 5 of the River Rouge Code of Ordinances shall be amended and read as follows:

**CHAPTER 16 – MEDICAL MARIHUANA FACILITY LICENSING**

**Sec. 5-1601 – Purpose**

The purpose of this Chapter is to establish standards and procedures for the review and input of the City of River Rouge on the issuance, renewal and/or revocation of medical marihuana licenses for medical marihuana facilities in order to:

- (a) Serve and protect the health, safety and welfare of the general public;
- (b) Establish a set of rules and regulations which are fair and equitable for those interested in establishing medical marihuana dispensaries and medical marihuana cultivation facilities; and,
- (c) To provide reasonable regulation pursuant to the City's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL §117.1 et. seq., as amended.

Nothing in this Chapter, 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 the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et. seq., as amended, the Medical Marihuana Facilities Licensing Act (MMFA), MCL 333.27101, et. seq., as amended, or any City ordinance. Also, since Federal law is not affected by the MMMA, the MMFA or any other state act or City ordinance, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of the City's Code of Ordinances, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The MMMA and the MMFA does not protect users, caregivers or the owners of properties on which the medical use of

marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

**Sec. 5-1602 - Definitions.**

Any term defined by the MMMA, as amended, or the MMFA, as amended, shall have the definition provided for in the MMMA and/or MMFA. If the definition of a word or phrase set forth below is in conflict with the definition in the MMMA or the MMFA, or if a term is not defined below but is defined in the MMMA or the MMFA, then the definition in the MMMA or the MMFA shall apply. The words and phrases below are defined as follows:

- a. "Cultivation" or "Cultivate" as used in this Ordinance shall mean (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; or (iii) to the extent permitted by the MMMA or the MMFA, if at all, the extraction of resin from the marihuana or the creation of marihuana infused products for sale or packaged form to a Medical Marihuana Provisioning Center.
- b. *Marihuana*: That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.
- c. *Medical Use*: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- d. *Primary Caregiver*: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- e. *Qualifying Patient*: A person who has been diagnosed by a physician as having a debilitating medical condition.
- f. *Registry Identification Card*: A document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.
- g. *Medical Marihuana Grower Facility* ("Grower"): A licensee that is a commercial entity located in the City and is licensed by the State and City that cultivates, dries, trims or cures and packages marihuana for sale to a Processor or Medical Marihuana Provisioning Center. A medical marihuana grower facility

shall not include a primary caregiver or a qualifying patient growing medical marihuana at his/her personal residence in accordance with the MMMA and all applicable City ordinances including, but not limited to, ordinances prohibiting noxious odors.

- h. *Medical Marihuana Provisioning Center* (“Provisioning Center”): A licensee that is a commercial entity located in the City that has a license from the State and the City 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. A Medical Marihuana 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 MMMA is not a Medical Marihuana Provisioning Center for purposes of this Chapter.
- i. *Medical Marihuana Processor* (“Processor”): 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.
- j. *Medical Marihuana Secure Transporter* (“Secure Transporter”): A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- k. *Medical Marihuana Facility or Facilities*: Shall collectively refer to medical marihuana facilities permitted by this Chapter, which shall be Growers, Provisioning Centers, Secure Transporters or Processors.
- l. *Plant*: Any marihuana plant with not more than one readily observable root formation.
- m. *Unit*: A portion of a building that is separate from the remainder of the building by a fireproof wall, and accessible only through an exterior door.

**Sec. 5-1603 - Adoption of state rules and regulations.**

All activities related to medical marihuana shall be in compliance with the general rules of the Michigan Department of Community Health, the MMMA, the MMFA and all other applicable laws, rules and regulations.

**Sec. 5-1604 - License required.**

- (a) No person or other entity shall own or operate a medical marihuana facility in the City without first applying for and receiving a license from the City

Clerk's office.

- (b) At any given time, the City shall not permit the issuance of or allow the existence of more than seven (7) Provisioning Center licenses, more than four (4) Grower licenses, more than one (1) Secure Transporter license and more than four (4) Processor licenses to operate within the City.
- (c) Licenses are non-transferrable and shall only apply to the person and/or entity listed on the license at the address listed on the application.
- (d) Licenses shall be valid for a period of one year, from January 1 to December 31 of each year.
- (e) A license may be issued or renewed upon submission of a completed applications, payment of the required fee(s) and compliance with all provisions and requirements of this Chapter. An application to renew a license to operate a medical marihuana facility shall be filed at least thirty (30) days prior to the date of expiration of the license. Such renewal shall be annual and shall be accompanied by the applicable fee(s).
- (f) Every applicant shall pay an application review fee at the time of submitting the application for an initial or renewal license, which fee shall be set by City Council resolution. The application review fee is non-refundable if the application is reviewed. At the time an initial or renewal license is granted to an applicant, the applicant shall then be required to pay an annual licensing fee to obtain the license, which fee shall be set by City Council resolution.
- (g) The license requirements set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.
- (h) The issuance of any license pursuant to this Chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, transportation or possession of marihuana, possession of drug paraphernalia, or presence in places where drugs are being used, stored or kept.
- (i) All licensed medical marihuana facilities shall have a sign measuring at least 11 x 17 inches installed and maintained in a conspicuous location visible to all persons entering the premises located inside the building that 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.

**Sec. 5-1605 – Locations; site design, use standards and setbacks.**

Medical marihuana Provisioning Centers shall be a permitted use in the B-1 and B-2 zoning districts, medical marihuana Processors and Secure Transporters shall be a permitted use in the B-1, B-2, M-1 and M-2 zoning districts, and medical marihuana Grower facilities shall be a permitted use in the M-1 and M-2 zoning districts, as more specifically set forth in the City of River Rouge Zoning Ordinance. Medical marihuana facilities are also subject to the following requirements:

- (a) Indoor Growing. The growing of medical marihuana at a Grower facility shall be indoors only and shall not be visible from any point outside the medical marihuana facility.
- (b) Hours of Operation. Any and all retail operations of any medical marihuana facility shall be only permitted to operate between the hours of 10 a.m. and 9 p.m. Eastern Time.
- (c) Setback From Protected Areas. The location of a medical marihuana facility shall be no less than two-hundred and fifty (250-) feet, measured door-to-door, from the following: a religious institution, a public park, a child care facility, a public or private educational facility including but not limited to pre-schools, nurseries, elementary, secondary and high schools.
- (d) State and Local Licensing. Medical marihuana cultivation facilities shall comply with all applicable state and local licensing regulations.
- (e) Indoor Activities Only. All activities of medical marihuana facilities shall be conducted indoors.
- (f) Outdoor Storage Prohibited. Outdoor storage is prohibited.
- (g) State and Local Compliance. Medical marihuana facilities shall comply with all applicable provisions of this Chapter, all other City ordinances, regulations, and codes, and the MMMA and MMFA.
- (h) Exterior Signage. It shall be prohibited to display any signs that are inconsistent with any local or state laws, or applicable codes and regulations, including, but not limited to, the City of River Rouge Zoning Ordinance and Sign Ordinance. All exterior signs shall be displayed in a manner that is consistent with the general character of the district in which the facility is located. The symbol or image of a marihuana leaf shall not be displayed on any exterior building signage. The size of any sign shall not exceed one hundred (100) square feet.

- (i) Exterior and/or Outdoor Lighting. It shall be prohibited to have or display any exterior and/or outdoor lighting that is inconsistent with any local or state laws, or applicable codes and regulations, including, but not limited to, the City of River Rouge Zoning Ordinance. Each applicant shall submit a lighting plan to be approved by the City which shall set forth all exterior and/or outdoor lighting for the facility which shall establish the appropriate minimum levels of illumination, prevent unnecessary glare, minimize spill-over onto adjacent properties and reduce unnecessary light into the surrounding areas. All exterior and/or outdoor lighting for a facility shall be in harmony with the character of the area in which it is located and shall not cause negative impacts for surrounding uses and districts. All exterior and/or outdoor lighting, with the exception of approved security lighting, shall be turned off during the hours of 9 p.m. to 10 a.m. Eastern Time.
- (j) Exterior Building Wall Façade Materials and Colors. It shall be prohibited to have exterior wall façade materials and colors that are inconsistent with any local or state laws, or applicable codes and regulations, including, but not limited to, the City of River Rouge Zoning Ordinance. Each applicant shall submit for review and approval the proposed colors of all façade and roof materials intended for the facility. The color of each façade material shall be harmonious with the color of all other façade materials used on the same building, as well as the color of the façade materials used on adjacent or nearby buildings. For the purpose of this Ordinance, harmonious shall be defined as colors which are complementary, in hue, tone and intensity. The use of dissonant and/or intense colored façade materials shall be deemed as inconsistent with this Section. The use of façade materials to form a background or component in a sign, or to increase the visual presence of the building for the purpose of advertising, shall be deemed inconsistent with this Section.
- (k) Security. A security system shall be installed for each medical marihuana facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
- (l) Odors. Odors generated by the medical marihuana facility shall be contained within the building or the portion of building used by the medical marihuana facility. The facility operator's proposed method of addressing odors generated through use of air filters or air scrubbers must be demonstrated and found to be satisfactory to the City.
- (m) Access to Minors Prohibited. No minors under the age of eighteen (18) are permitted on the site of a medical marihuana facility.

- (n) Parking. Off-street parking shall be provided consistent with the applicable Zoning Code requirements.

**Sec. 5-1606 - Application**

Every applicant for a license to maintain, operate or conduct a medical marijuana facility shall file an application under notarized oath with the City Clerk's office upon a form provided by the City, and shall fulfill all of the requirements indicated on the form, including, but not limited to, providing all of the following:

- (a) The name, age, and address of applicant(s) and operator(s), including:
- i. Name, age and address of the applicant and all owners, partners, members and/or shareholders of the applicant, including proof that the applicant and proposed employees are at least 21 years of age.
  - ii. Name, age and address of the operator of the facility in cases where this differs from the applicant.
  - iii. In the case of corporations, partnerships, non-profit organizations, or other business types, the applicant shall be the highest level official or employee of the entity such as, President, Chief Executive Officer, Executive Director, or comparable position.
  - iv. If the applicant is a corporation, a copy of the articles of incorporation and current corporation records disclosing the identity and residential addresses of all directors, officers, and shareholders. Include the address of the corporation itself, if different from the address of the medical marijuana facility and the name and address of the resident agent for the corporation.
  - v. If the applicant is a partnership or a limited liability company, the names and residence address of each of the members and/or the partners and the partnership or limited liability company itself, if different from the address of the medical marijuana facility, and the name and address of the resident agent.
  - vi. Government issued photo identification of the applicant(s), operator(s) and all other individuals required for the application as provided for in this Section.
  - vii. The medical marijuana facility history of the applicant; whether the applicant has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such

action of suspension or revocation.

- viii. Proof that the applicant and/or its employees are primary caregivers if required pursuant to the MMMA or the MMFA.
- (b) The location and mailing address and all telephone numbers where the business is to be conducted, the name, address and telephone number of the owner the premises if different from the holder of the license, and written evidence of the applicant's right to possession and/or use of the premises.
- (c) An area map, drawn to scale, establishing compliance with the setback requirements of Sec. 5-1605(c) or an existing zoning permit or similar clearance from the Zoning Administrator verifying the proposed use of the location at which the license will be utilized is in compliance with the City's Zoning Ordinance and the requirements of this Chapter.
- (d) A Certificate of Occupancy or similar clearance from the building department verifying the structure and premises at which the license will be utilized is in compliance with building, property maintenance and all other applicable local code provisions. The Certificate of Occupancy is required within 60 days of the license being issued, and is required before opening and/or operating of the facility.
- (e) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of River Rouge in conducting the business in which the license will be used, and that a violation on the premises may be cause for denial of renewal of the license or revocation of the license.
- (f) A signed release included with the application form permitting the Police Department to perform a criminal background check, including fingerprints for state and federal agencies, for the applicant(s), operator(s) and all other individuals required for the application as provided for in this Section.
- (g) Proof of insurance for fire damage in the amount of the value of the premises and liability insurance with minimum limits of one million (\$1,000,000.00) dollars.
- (h) A description of the security plan for the facility, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices and /or security guard arrangements proposed for the facility and premises.
- (i) A description of the products and services to be provided by medical marijuana facility, including retail sales of any goods, products, drug paraphernalia or food and/or beverages, if any, and any related

accommodations or facilities;

**Sec. 5-1607 - Approval of application**

The City Council may grant a license for a medical marihuana facility if inspections for safety, zoning compliance, criminal history background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, paid the required fees, and has made improvements to the business location consistent with the application and is prepared to operate the business in compliance with this Chapter and any other applicable law, rule or regulation. The City Council may also grant a variance from the requirements of this Chapter. The City Council will deny any application that does not meet the requirements of this Chapter or any other applicable law, rule or regulation or that contains any false or incomplete information.

**Sec. 5-1608 – Inspections.**

- (a) Initial Inspections. A medical marihuana facility shall be subject to the same inspections as all other buildings and uses as required by the River Rouge Code of Ordinances and all applicable building and safety codes.
- (b) Quarterly Inspections. A medical marihuana facility may be inspected quarterly by the City to confirm that it is being operated in compliance with the MMMA, the MMFA and any City ordinance or code. A medical marihuana facility may be inspected more frequently at the discretion of the City. Representatives of the City for any on-site inspections may include, but are not limited to, the City's Police Department, Fire Department, Building Official(s) and inspectors and Planning Department. The City shall limit its inspections to only those issues associated with compliance with the MMMA, the MMFA and City ordinances and codes, and shall not make inquiry into the identity of any qualifying patient. A medical marihuana facility shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon four (4) hours notice.

**Sec. 5-1609 - Violations and penalties**

Any person who is found to be in violation of this Chapter or any provision of a license issued under this Chapter is responsible for a misdemeanor, punishable by a fine of up to \$500.00 plus the cost of prosecution, 90 days imprisonment, or both, for each violation.

**Sec. 5-1610 - Conditions necessary**

No license to operate a medical marihuana facility shall be issued unless the City confirms the proposed medical marihuana facility complies with all

of the following minimum requirements:

- (a) All provisions of the City's codes, including, but not limited to, its building, maintenance, fire, electrical, plumbing and health codes have been satisfied;
- (b) All provisions of the City's Zoning Code have been satisfied;
- (c) The applicant(s) or business has no outstanding back taxes, fines, fees or liens owed to the City; and,
- (d) All applicable licenses, registrations, clearances, approvals and permits have been obtained from the City or other governmental agencies.

**Sec. 5-1611 - Non-Renewal or revocation**

The City Council may choose to not renew or revoke a license based on any of the following:

- (a) A failure to meet the conditions or maintain compliance with the standards established by this Chapter in reference to applications for a new license or the renewal of an existing license;
- (b) One or more violations of any City ordinance on the premises;
- (c) Maintenance of a nuisance on the premises;
- (d) A demonstrated history of excessive calls for public safety (police, fire and EMS) originating from the premises; or,
- (e) Nonpayment of real and/or personal property taxes, fines, fees or liens owed to the City.

**Sec. 5-1612 - Appeal Process**

If an applicant or licensee chooses to appeal a denial of a license or revocation of a license, or request a variance from the requirements of this Chapter, the applicant or licensee shall file a written appeal with the City Clerk's office setting forth, in detail, the specific requirement or decision from which the appeal is made and shall provide the specific grounds on which the appeal is based. An appeal fee shall be submitted with the notice of the appeal. The appeal fee amount shall be set by City Council resolution and shall be nonrefundable. Appeals shall be filed within 30 days of the adverse action and/or decision being appealed. The City Council shall consider the appeal within thirty (30) days of the filing of the appeal.

SECTION 2. SEVERABILITY. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the passage by the City Council and the publication of the Ordinance in accordance with the Charter of the City of River Rouge and the statutes of the State of Michigan.