

1 **THROUGH AN INITIATIVE INVOKED BY PETITION,**
2 **THE PEOPLE OF THE CITY OF DETROIT,**
3 **ADOPTED THE FOLLOWING ORDINANCE AT THE**
4 **NOVEMBER 7, 2017 GENERAL ELECTION;**

5 **ORDINANCE NO. 02-18**

6 **CHAPTER 24**

7 **ARTICLE XIII**

8 **THROUGH AN initiative invoked by petition, the People of the City of Detroit**
9 **adopted the following ordinance at the November 7, 2017 General Election, and by Order of**
10 **the Wayne County Circuit Court, the ordinance was modified February 16, 2018:**

11 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

12 **Section 1.** Chapter 24, Article XIII, Sections 24-13-1 through 24-13-14 of the 1984 Detroit City
13 Code is amended to read as follows:

14 **ARTICLE XIII. MEDICAL MARIHUANA FACILITIES**

15 **Sec. 24-13-1. Purpose.**

16 (a) The purpose of this article is to establish standards and procedures consistent with the
17 Medical Marihuana Facilities Licensing Act, 2016 PA 281, to: (1) provide qualifying patients
18 access to medical marihuana, (2) ensure the safety of qualifying patients, primary caregivers, and
19 the general public; (3) ensure that a portion of the City's costs in accommodating medical
20 marihuana facilities are supplemented; (4) minimize adverse effects, if any, from the cultivation,
21 processing, dispensing and storage of medical marihuana, and (5) comply with the Michigan
22 Medical Marihuana Act MCL 333.26421 et seq., all in order to protect and enhance the public
23 health, safety, and welfare.

1 (b) Nothing contained within this article, or within any license issued by the City, shall be
2 construed to relieve a person of the duties and obligations imposed under state law.
3 Notwithstanding the foregoing, it is not the intent of this article to diminish, abrogate or restrict
4 protections for the medical use of marihuana provided in the Michigan Medical Marihuana Act.
5 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018; modified by Order of Wayne County Circuit
6 Court 2-16, 2018)

7
8 **Sec. 24-13-2. Definitions.**

9 The following words, terms and phrases, when used in this article, shall have the meanings
10 provided in this section.

11 *Act* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

12 *City* means the City of Detroit, Michigan.

13 *Cultivation or cultivate means* (i) all phases of growth of marihuana from seed to harvest;
14 or (ii) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.

15 *Department* means the City of Detroit Buildings, Safety Engineering and Environmental
16 Department.

17 *Grower* means a state operating license holder that is a commercial entity located in this
18 state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or
19 provisioning center.

20 *Medical Marihuana Facility* means any facility, entity, establishment or center that is
21 required to be licensed under the Act and this article, including a grower, processor, provisioning
22 center, safety compliance facility, and/or a secure transporter.

23 *Marihuana-infused product* means a topical formulation, tincture, beverage, edible
24 substance, or similar product containing any usable marihuana that is intended for human
25 consumption in a manner other than smoke inhalation.

1 *Person* means an individual, partnership, firm, company, corporation, association, sole
2 proprietorship, limited liability company, joint venture, estate, trust, or any other legal entity.

3 *Primary Caregiver* means the term as defined by the Michigan Medical Marihuana Act,
4 Initiated Law 1 of 2008, MCL 333.26421 et seq.

5 *Processor* means a state operating license holder that is a commercial entity located in this
6 state that purchases marihuana from a grower and that extracts resin from the marihuana or creates
7 a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

8 *Provisioning center* means a state operating license holder that is a commercial entity
9 located in this state that purchases marihuana from a grower or processor and sells, supplies, or
10 provides marihuana to qualifying patients, directly or through the registered primary caregivers of
11 patients. Provisioning center includes any commercial property where marihuana is sold at retail
12 to qualifying patients or primary caregivers. A noncommercial location used by a primary
13 caregiver to assist a qualifying patient connected to the caregiver through the state's marihuana
14 registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning
15 center for purposes of this article.

16 *Qualifying Patient* means the term as defined by the Michigan Medical Marihuana Act,
17 Initiated Law 1 of 2008, MCL 333.26421 et seq.

18 *Safety compliance facility* means a state operating license holder that is a commercial entity
19 that receives marihuana from a medical marihuana facility or primary caregiver, tests it for
20 contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and
21 may return the marihuana to the medical marihuana facility.

1 *Secure transporter* means a state operating license holder that is a commercial entity
2 located in this state that stores marihuana and transports marihuana between medical marihuana
3 facilities for a fee.

4 *State operating license* means a license that is issued under the Act that allows the licensee
5 to operate as a medical marihuana facility.

6 (Code 1984, §24-13-1; Ord. No.02-18 §1, 1-04-2018)

7 **Sec. 24-13-3. Opt-In Provision.**

8 Pursuant to Section 205(1) of the Act, the City shall authorize licenses in accordance with
9 the provisions of this article for the following types of medical marihuana facilities: (1) growers
10 (Class A, Class B & Class C); (2) processors; (3) provisioning centers; (4) safety compliance
11 facilities; and (5) secure transporters.

12 (Code 1984, §24-13-1; Ord. No.02-18 §1, 1-04-2018)

13 **Sec. 24-13-4. License Required.**

14 (a) No person shall operate a medical marihuana facility in the City without first obtaining
15 a license from the City in accordance with the provisions of this article. A separate license is
16 required for each medical marihuana facility.

17 (b) A Provisioning Center in operation on the effective date of this article may continue to
18 operate provided it: (1) has applied to obtain a license from the City within 21 days of the effective
19 date of this article; (2) complies with the license requirements imposed by Section 24-13-9 of this
20 article, as determined by the Department, within 120 days of the effective date of this article.

21 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

22 **Sec. 24-13-5. License Application.**

1 (a) Any person seeking to operate a medical marihuana facility shall file an application
2 with the Department's Business License Center upon a form provided by the Department. The
3 application shall include, or include as an attachment, the following information:

4 (1) The name, age, address, principal telephone number and email address of the
5 applicant;

6 (2) The name, age, address, principal telephone number and email address of all
7 business partners of the applicant;

8 (3) A signed release authorizing the Detroit Police Department to perform criminal
9 background checks on all individuals listed within the application;

10 (4) If the applicant is a corporation, the names and addresses of all directors, officers
11 or shareholders as well as the name and address of the registered agent;

12 (5) If the applicant is a partnership, the names and addresses of all general partners,
13 limited partners, or officers as well as the name and address of the registered agent;

14 (6) If the applicant is a limited liability company, the names and addresses of all
15 directors, managers, members, or officers as well as the name and address of the
16 registered agent;

17 (7) If the applicant is any other legal entity, the names and addresses of all directors,
18 members, officers, partners, or shareholders as well as the name and address of the
19 registered agent;

20 (8) The address of the property/building proposed to be used as a medical marihuana
21 facility;

22 (9) The type of medical marihuana facility (grower, processor, provisioning center,
23 safety compliance facility or secure transporter) proposed to be operated and a

1 narrative describing the applicant's experience with such an operation, including
2 whether associated permits, licenses or approvals had been denied, suspended or
3 revoked;

4 (10) An applicant for a grower's license or a processor's license shall not be a registered
5 primary caregiver and shall not employ an individual who is simultaneously a
6 registered primary caregiver, and the applicant shall provide proof, until December
7 31, 2021, that the applicant has, or has an active employee who has, a minimum of
8 2 years' experience as a registered primary caregiver;

9 (11) A description of the security plan for the medical marihuana facility, including,
10 security precautions, recording/monitoring devices, barriers and lighting;

11 (12) A description of the storage facilities and related equipment for all medical
12 marihuana, regardless of its form;

13 (13) A description of the process for tracking quantities and inventory controls for
14 medical marihuana, regardless of its form, including cultivation and disposal;

15 (14) A description of the products and services to be provided by the medical marihuana
16 facility, including retail items;

17 (15) A description of the procedures for testing of contaminants and the labeling of
18 medical marihuana products, regardless of form;

19 (16) Any other information the applicant believes is needed to fully and completely
20 describe the services the applicant intends to provide and/or the benefits the
21 applicant will provide to the City and the greater community.

22 (b) Except as may be required by state or federal law, the Department will keep all
23 application materials confidential.

1 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

2 **Sec. 24-13-6. Application Fee.**

3 A nonrefundable application fee shall be paid upon filing the application. The application
4 fee shall be in an amount established from time-to-time by the Director of the Department and
5 shall be approved by resolution of the City Council. The fee shall be intended to defray costs
6 incurred by the City to process the application. The fee shall be posted on a schedule in the
7 Department.

8 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

9 **Sec. 24-13-7. Application Review.**

10 The Department shall review each application to ensure that it is complete, that the
11 information required by this article has been submitted, and that the application fee has been paid.
12 The Department may reject any application that contains insufficient information and may deny
13 an application for failure to pay the application fee. If the Department determines that an
14 application contains insufficient information the applicant shall have 14 days to supplement the
15 information in the application.

16 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

17 **Sec. 24-13-8. Inspections, Investigations.**

18 (a) Upon application and before any license under this article is issued for a medical
19 marihuana facility, the application shall be referred to appropriate departments of the City,
20 including, divisions of the Department and the Fire Department, for respective reports on
21 compliance with all applicable City ordinances, state laws, rules and regulations, including the
22 following:

- 1 (1) Zoning. The medical marihuana facility shall meet applicable requirements of the
2 Detroit Zoning Ordinance, as amended;
- 3 (2) Building and property maintenance codes. The medical marihuana facility shall
4 meet applicable requirements of the Stille-DeRossett-Hale Single State
5 Construction Code Act, 1972 PA 230, as amended, MCL 125.1501 et seq., and the
6 Detroit Property Maintenance Code, as amended;
- 7 (3) Fire protection and safety. The medical marihuana facility shall meet applicable
8 requirements of the Detroit Fire Prevention and Protection Code, as amended;
- 9 (4) Plumbing. The medical marihuana facility shall meet applicable requirements of
10 the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as
11 amended, MCL 125.1501 et seq., and the Michigan Plumbing Code, as amended;
- 12 (5) Ventilation. Proper ventilation, either natural or mechanical, shall be provided so
13 that each person within a medical marihuana facility will be supplied with 1,200
14 cubic feet of air per hour, or as required by applicable state code, whichever is
15 greater;
- 16 (6) Lighting. The medical marihuana facility shall have adequate lighting in every part
17 of the premises in compliance with applicable requirements of the Michigan
18 Electrical Code, as amended;
- 19 (7) Health and sanitation. All rooms within a medical marihuana facility housing toilet
20 facilities shall be equipped with sanitary towels of a type acceptable to the City's
21 Department of Health and Wellness Promotion. All rooms within the premises
22 shall meet the requirements of the Michigan Public Health Code, 1978 PA 368, as

1 amended, MCL 333.1101 et seq., including those concerning food
2 preparation and sanitation.

3 (b) A license shall not be issued or renewed until satisfactory inspections and reviews are
4 completed by the departments delineated in subsection (a) of this section, and written reports are
5 issued indicating that the applicant is in compliance with the requirements of this section.

6 (c) In addition to the inspections required above, upon application and before any license
7 under this article is issued for a medical marihuana facility, the application shall be referred to the
8 City's Police Department and Finance Department for respective reports on compliance with the
9 following:

10 (1) The Police Department shall complete criminal background checks on all
11 individuals listed within the application;

12 (2) The Finance Department shall cause an investigation to be completed to determine
13 whether any property or income taxes, special assessments, fines, fees or other
14 financial obligations to the City are unpaid, outstanding and/or delinquent.

15 (d) A license shall not be issued or renewed until satisfactory inspections and reviews are
16 completed by the departments delineated in subsection (c) of this section. A license shall not be
17 issued or renewed by the Department for any medical marihuana facility until after both of the
18 following have occurred: (1) the Police Department provides written confirmation that all
19 individuals listed within the application do not have any felony convictions related to illegal
20 narcotics, fraud, embezzlement or dishonesty; and (2) the Finance Department provides written
21 confirmation that the applicant is not in arrears for any property or income taxes, special
22 assessments, fines, fees or other financial obligations to the City.

23 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

1 **Sec. 24-13-9. License Requirements.**

2 A medical marihuana facility licensed under this article shall be subject to the following
3 conditions:

4 (1) Compliance with the requirements of this article, other applicable City ordinances
5 and codes, and applicable state laws;

6 (2) Compliance with the provisions of the Act and the Michigan Medical Marihuana
7 Act;

8 (3) Medical marihuana facilities must obtain all necessary state and local
9 license/permits before commencing operations and shall maintain a valid
10 license/permit during operation;

11 (4) No provisioning center may provide medical marijuana to any persons other than
12 qualifying patients and primary caregivers whose status to possess medical
13 marihuana pursuant to state law has been verified. A provisioning center may
14 provide medical marijuana to a secure transporter for the purpose of transporting
15 the material for testing;

16 (5) No persons under the age of 18 shall be allowed within any medical marihuana
17 facility, unless the individual is a qualifying patient and accompanied by his/her
18 primary caregiver- parent or documented legal guardian;

19 (6) No medical marihuana facility shall permit the sale or dispensing of alcoholic
20 beverages or tobacco for consumption on the premises or offsite of the premises;

21 (7) No dried medical marihuana shall be stored in structures without at least four walls
22 and a roof, or stored in an unlocked vault or safe, or other unsecured storage
23 structure; nor shall any dried medical marijuana be stored in a safe or vault that is

1 not bolted to the floor or structure of the facility. This does not include items on
2 display for retail sales;

3 (8) Operating hours for provisioning centers shall not exceed the hours between 9:00
4 AM and 9:00 PM daily;

5 (9) Signs displayed on the exterior and interior of the property shall conform to City
6 ordinance requirements. No signs shall contain the word marihuana nor shall any
7 sign contain marihuana leaves, or green crosses.

8 (10) Consumption or use of marihuana is prohibited on the premises.

9 (11) Public and common areas of a medical marihuana facility must be separated from
10 restricted and non-public areas by a permanent opaque barrier that cannot be
11 accessed by individuals who are not approved to have access.

12 (12) Marihuana and marihuana-infused products may not be stored, displayed, or
13 transferred in an area accessible to the general public, and may only be displayed
14 for sale and transferred in sales areas approved as part of the licensing process set
15 forth in this article.

16 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018; modified by Order of Wayne County Circuit
17 Court 2-16, 2018)

18
19 **Sec. 24-13-10. License Issuance.**

20 (a) If the application and proposed medical marihuana facility meets all the requirements
21 of this article, the Department shall issue a license in writing. A license that is issued under this
22 article shall be posted at all times inside the licensed medical marihuana facility in a conspicuous
23 location near the entrance.

24 (b) The term of a license shall be for one year. Any application to renew a license shall
25 be made using the procedure for an original license as specified herein.

1 (c) A license issued under this article is nontransferable, except for application for transfer
2 which shall be granted if the transferee is eligible to hold that license.

3 (d) A renewal license shall be issued unless the license has not been renewed by the
4 state Department of Licensing and Regulatory Affairs.

5 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

6 **Sec. 24-13-11. License Fee.**

7 A license fee shall be paid upon the issuance of a license under this article. The license fee
8 shall be in an amount established from time-to-time by the Director of the Department and shall
9 be approved by resolution of the City Council. The fee shall be intended to defray the costs incurred
10 by the City to process and monitor licensed facilities. The fee shall be posted on a schedule in the
11 Department.

12 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

13 **Sec. 24-13-12. License Denial, Suspension, Revocation.**

14 (a) The following shall constitute grounds for the Department to deny issuance of a
15 license or to suspend or revoke a license issued pursuant to this article:

16 (1) Any fraud, misrepresentation or false statement in an application, any materials
17 filed with an application or related to a license, any materials provided in
18 conjunction with and application or license, or any statement related to an
19 application or license made to any City officials or agents;

20 (2) Noncompliance with, or a violation of, this article, applicable City ordinance or any
21 violation of state law relating to the operation of a medical marihuana facility.

1 (b) Written notice of suspension or revocation, stating the cause or causes of
2 suspension or revocation, shall be mailed to the licensee's address as shown in the application for
3 a license.

4 (c) Any person aggrieved by the suspension or revocation of a license under this article
5 may appeal to the City's Building Authority Commission by filing with the office of the City Clerk
6 a written appeal within 10 days after suspension or revocation. The Clerk shall set a time and
7 place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in
8 writing. After said hearing, the decision and order of the Commission on any such appeal shall be
9 final and conclusive.

10 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

11 **Sec. 24-13-13. Penalty.**

12 (a) Any violation of this article shall be a civil infraction punishable by a fine in an
13 amount set from time to time by resolution of the City Council.

14 (b) In addition to the penalties provided by this section, the district court shall have
15 equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision
16 of this article, including, but not limited to, abatement of the violating condition or the granting of
17 injunctive relief.

18 (c) Contested hearings under this section before the district court may be conducted as
19 an informal hearing and as a formal hearing, as may be applicable, as provided by the Revised
20 Judicature Act of 1961, 1961 PA 236, as amended, MCL 600.101 et seq.

21 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

22 **Sec. 24-13-14. Police review**

1 For purposes of ensuring compliance with this article, owners and/or operators of licensed
2 medical marihuana facilities shall permit members of the City’s police department, or any
3 employee of agent of the City that is authorized by the City’s code of ordinances, to inspect, during
4 regular business hours, any portion of a medical marihuana facility, subject to constitutional
5 restrictions on unreasonable searches and seizures. Where entry is refused or not obtained, the
6 City is authorized to pursue recourse as provided by law.
7 (Code 1984, §24-13-1; Ord. No. 02-18 §1, 1-04-2018)

8 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
9 health, safety and welfare of the People of the City of Detroit.

10 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
11 repealed.

12 **Section 4.** This ordinance shall become effective no later than thirty (30) days after
13 publication by the City Clerk in accordance with Sec. 4-118 of the 2012 Charter of the City of
14 Detroit.

15 Approved by the Voters: November 7, 2017

17 Certified by the Board
18 of County Canvassers: November 21, 2017

20 Modified by Order of
21 Wayne County Circuit Court: February 16, 2018

22 Published: _____

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26 Janice M. Winfrey
27 City Clerk