



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1425**

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That the Ypsilanti City Code is Chapter 7 -MARIJUANA, is hereby amended Which Chapter reads as follows:

Sec. 7-4.1. - Permit requirements

(a) No person shall own or operate a marihuana establishment in the City without first applying for and receiving a state license issued by the State of Michigan and permit issued by the City of Ypsilanti. ~~a permit from the city clerk's office, and a state license issued by the State of Michigan.~~

(b) Licenses The location of permits is transferrable upon state approval, city approval, and payment of the transfer fee. Transfers may only be granted upon the following:

1. All building improvements, as described in the application, will be completed, and approved at the originally applied location.
2. The facility has been awarded a state license at the originally stated location.

(c) Permit shall be valid from January 1 to December 31

(d) A Permit shall must be issued or renewed upon payment of the required fee, submission of a completed application in compliance with the provisions of this article, and compliance with all provisions and requirements of this article. Application to renew a permit shall be filed not later than November 15th, if November 15th falls on a weekend, applications are due not later than the following Monday. For each business day following the deadline a \$50 late fine will be assessed to the application cost. Such renewal shall be annual and shall be accompanied by the annual fee.

(e) Every applicant shall pay a fee at the time of the application for an initial or renewal permit, or location transfer of permit, which fee shall be set by council resolution. Said fee is non-refundable if the application is reviewed.

(f) The permit 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.

(g) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential civil or criminal liability under federal law.

Pursuant to the MRTMA, MMFLA, MMMA and MTA, the City of Ypsilanti authorizes the operation in the city of the following types and number of both medical and recreational ~~marijuana~~ marihuana facilities, provided they possess a state operating license issued under

the MRTMA and they comply with the additional requirements of this chapter, chapter 122 of this Code, and all other applicable laws and ordinances:

The number of facilities will be limited as follows:

- Medical marijuana provisioning centers. (2 max)
- Adult-use recreational retail. (14 Max with the reversion to 13 through attrition)
- Marijuana microbusiness. (1 max)
- Marijuana safety compliance facility.
- Marijuana secure transporter.
- Marijuana processor.
- Cultivation/Processing (3 max)
 - Class A marijuana grower authorizing cultivation of not more than 100 marijuana plants.
 - Class B marijuana grower authorizing cultivation of not more than 500 marijuana plants.
 - Class C marijuana grower authorizing cultivation of not more than 2,000 marijuana plants.
- Excess marijuana grower (1 max) ~~designated consumption establishment.~~
- Designated consumption establishment (3 max)

Sec. 7-4-2 5. - Application.

Every applicant for a ~~marijuana~~ marihuana establishment must file an application under oath with the city clerk's office upon a form provided by the city, which shall fulfill all of the requirements indicated on the form, including but not limited to:

- (a) The name, age, and address of applicant and operator
 - i. Name, age and address of the applicant and all partners of the applicant, including proof that the applicant and/or 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, Board 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 ~~marijuana~~ marihuana establishment and the name and address of the resident agent for the corporation.
- v. If the applicant is a partnership, the names and residence address of each of the partners and the partnership itself, if different from the address of the ~~marihuana dispensary or Marijuana growing/manufacturing~~ marihuana facility, and the name and address of the resident agent.
- vi. Photo identification of the applicant and operator and/or driver's license
 - (b) State or federally issued photo identification. Expired identification will not be accepted, and if provided the application will be considered incomplete ~~denied~~.
 - (c) Provide proof of ownership, copy of lease or letter of intent to lease. If a lease or letter of intent is provided and not current the application will be considered incomplete ~~and denied~~.
 - (d) If premises are leased, attached written permission from owner of the premises for the use specified in this application. If the letter is not current the application will be considered incomplete ~~and denied~~. If leased the operator of the facility must ensure the building owner is current with all real property taxes.
 - (e) Proof of insurance for fire damage in the amount of the value of the premises and liability insurance with minimum limits of \$1,000,000.
 - (f) Proof that all employees are over the age of 21.
 - (g) Describe storage facilities of all marihuana on site, including lotions, baked goods, usable, and all other forms.
 - (h) Describe storage facilities of all marihuana on site, including lotions, baked goods, usable, and all other forms (if applicable).
 - (i) Provide proof of compliance with statewide monitoring system (if in operation)

- (j) An area map, drawn to scale, indicating within a radius of one thousand feet (1,000) from the boundaries of the proposed marihuana facility dispensary or growing/manufacturing facility site, the proximity of the site to any school, existing dispensary, or existing growing facility 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 zoning ordinance and any other facility based on requirements of Chapter 122-
- (k) A copy of state license or prequalification letter.
- (l) Retailer/Microbusinesses/Designated Consumption Establishments only: Provide a description of the products and services to be provided by the establishment, including retail sales of food and/or beverages, if any, and any related accommodations or facilities.
- (m) Growing/Processing/Safety Compliance Facility applications only: Provide a description of the growing and processing procedures, including volatile chemicals stored or used on the premises.
- ~~(n) Provide copy of facility social equity plan as required by the State of Michigan.~~
- ~~(o) Volunteerism plan—provide a plan of community projects to be completed through the permit year. Plans could either be in the form of financial contribution or time given to specific community projects. All contributions must be undertaken in the City of Ypsilanti. Documentation of completion will be required upon renewal. If documentation is not provided the application will be considered incomplete and denied.~~

If the application includes errors or omissions the city will notify the applicant by certified mail and provide five business days to satisfy the requirement. If issues are not rectified, the applicant will either need to request an extension with cause, or the application will be denied.

Sec. 7-6. Approval of application.

The city manager or designee shall issue a permit for a marihuana establishment if inspections for safety, zoning compliance, state approval, and all other information available to the city verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application and is prepared to operate the business with in compliance with this Code and any other applicable law, rule or regulation. The city manager or designee 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.

Upon approval of the application a permit that is contingent on zoning and building department approval, will be provided. ~~The applicant will receive no more than 60 days to complete all work as listed in the application and be awarded all necessary permits/approvals for existing structures. Or the~~ The applicant will be provided no more than six months to complete all work as listed in the application and be awarded all necessary permits/approvals for new construction. ~~Once the 60 days, or six months~~ Once six months has expired the applicant will either be awarded a full permit, or have their permit revoked.

If multiple complete permit applications are submitted within the same zoning buffer, the first facility to receive site plan and special use permit (if applicable) approval will be granted the permit. The planning department will time stamp complete site plan and special use permit applications when submitted to their office.

Sec. 7-4.5 8. - Non-renewal or revocation.

The city manager shall choose to not renew or revoke a permit based on any of the following:

- (1) A failure to meet the conditions or maintain compliance with the standards established by this chapter in reference to applications for a new permit or the renewal of an existing permit;
- (2) One or more violations of any city ordinance on the premises that exceeds 90 days;
- (3) Maintenance of a nuisance on the premises that exceeds 90 days;
- (4) A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or
- (5) Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the city.
- (6) Failure to be provided a state license.
- (7) Failure to be provided a Special Use Permit if one is required at that applied to location.
- (8) Failure to be provided site plan approval or the expiration of an approved site plan.
- (9) Failure to be provided building plan approval and certificate of occupancy within 6 months of permit issuance
- (910) If the facility ceases operations for 120 days. "Operations" refers to the regular running of the business type applied for and does not refer to the construction prior to opening.

~~If Applicants fail to apply for renewal by November 15th of each year their application will not be accepted, and they will not receive a permit. Said applicant may apply using the New Applicant Portal as described in Section 7.4-3 of this Ordinance. **The city will not provide notice of renewal.**~~

Sec. 7-4-6 9.- Appeal process.

If an applicant is denied a permit, they may request a meeting with relevant staff and the City Manager to remedy deficiencies in an application. At that time the applicant and City Manager will sign a notarized affidavit, which will provide a timeline to complete all necessary items to cure deficiencies. If the applicant is unable to meet the timeline, the application will be denied, and a formal denial letter will be provided via first class mail.

~~If an applicant or permitted marijuana facility chooses. At that time the applicant may to appeal the denial of a permit or revocation of a permit, they can enter by entering in a written appeal to the clerk's office. The appeal should include the following: the appellant's signature, the requirement or decision from which the appeal is made and shall state the specific grounds on which the appeal is based item listed in the affidavit they were unable to complete and why they were unable to meet the deadline. The applicable fee shall be submitted with the notice of the appeal; such fee shall be nonrefundable. Appeals shall be filed within 30 days of the decision in question. City council shall consider the appeal within 30 days of receipt of the appeal. An appeal shall be considered an adjudication and outside the function of normal permit administration and enforcement.~~

Sec. 7-5 10. Social-Equity Community Advocacy and Law Enforcement.

- ~~1) The City Council and city staff will work to create a permit process to allow state social equity qualifiers to participate in businesses within the city limits. Permit numbers for these applicants are listed in Sec. 7.4.1.~~
- 2) \$1,000 from each permit fee will be used to promote social equity to negatively impacted communities by promoting advocacy around criminal justice issues related to marijuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marijuana, and community education and outreach on adult-use marijuana in general.
- ~~3) Good faith effort in employment: any person or entity receiving more than \$10,000 in contract value or benefit from the city must use good faith efforts in hiring employees who have been negatively impacted by marijuana prohibition. Adult use recreational marijuana businesses should use good faith efforts in hiring 25% employees who are low income or live in the area codes 48197 or 48198.~~
- 4) The City of Ypsilanti will not drug-test workers who are not in safety-sensitive jobs, without reasonable documented cause; random drug-testing is prohibited.
- ~~5) Lowest law enforcement: This ordinance instructs and authorizes local law enforcement to de-prioritize marijuana investigations (except as conducted in conjunction with licensing authorities) and arrests. The possession or smell of marijuana will no longer~~

~~constitute probable cause for investigation or arrest. The investigation, citation, and arrest for marihuana law violations in the City of Ypsilanti shall have the lowest law enforcement priority. This does not apply to distribution to minors.~~

- 6) For the purpose of law enforcement in the City of Ypsilanti, the following shall not constitute reasonable articulable suspicion of a crime in the absence of other factors:
 - a) The odor of burnt or unburnt marihuana
 - b) The possession of or suspicion of possession of marihuana that does not exceed the legal limit in Michigan.
 - c) The possession of multiple containers of marihuana without evidence of excess of the legal limit in Michigan.
 - d) Paraphernalia will be governed by Sec 74-197 of the City Code.
- 7) ~~The City of Ypsilanti shall make all reasonable efforts to create spaces for on-site consumption as allowed under state law.~~
- 8) ~~The City of Ypsilanti may add requirements that applicants enter Community Benefits Agreements, which may or may not apply to social equity applicants a well.~~

Sec. 7-6 11. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not been included in this Ordinance.

Sec. 7-7 12 Repeal

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Sec. 7-8 13. Savings Clause

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not

abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Sec. 7-9 ~~14~~. Copies to be available.

Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City’s website, www.cityofypsilanti.com.

Sec 7-~~10~~ 15. Publication and Effective Date

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 14TH DAY OF MAY, 2024.

Tracey Boudreau, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1425 was published in the Washtenaw Legal News on the 23rd day of May, 2024.

Tracey Boudreau, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 14th day of May 2024.

Tracey Boudreau, City Clerk

Notice Published: April 9, 2024

First Reading: April 16, 2024

Second Reading: May 14, 2024

Published: May 23, 2024

Effective Date: June 13, 2025