

**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1319**

An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for state licensing deadlines as determined by the administrative rules set by the State of Michigan

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 7 "Medical Marijuana" of its Code of Ordinances be amended to read as follows:

Sec. 7-3. - Adoption of state rules and regulations.

All activities related to medical marijuana shall be in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein.

Pursuant to the MMFLA, the City of Ypsilanti authorizes the operation in the city of the following marijuana facilities, provided they possess a state operating license issued under the MMFLA and they comply with the additional requirements of this chapter, chapter 122 of this Code, and all other applicable laws and ordinances:

- (1) Grower, including Class A, Class B, and Class C grower.
- (2) Processor.
- (3) Provisioning center.

No later than February 15, 2018, all previous medical marijuana dispensaries and medical marijuana growing/manufacturing facilities licensed by the City of Ypsilanti previous to the adoption of the MMFLA are required to apply for a state operating license to operate in the city. Such a state operating license must be issued on or ~~before June 15, 2018~~ the deadline for state operating licensure established by the administrative rules or regulations of the State of Michigan adopted under the MMFLA regarding "temporary operation," as defined therein. Likewise, all licenses issued by the city for medical marijuana dispensaries and medical marijuana growing/manufacturing facilities current and valid as of December 31, 2017, shall be continued under the same rules and regulations as issued until June 15, 2018, the issuance of a permit under this chapter, or the denial of an application under this chapter, whichever occurs first.

Sec. 7-4. - Permit required.

- (a) No person shall own, operate, or maintain a marihuana facility in the city without first applying for and receiving a permit from the city clerk's office.

(b) Any medical marijuana dispensary or medical marijuana growing/manufacturing facility licensed by the City of Ypsilanti and opened prior to the adoption of the MMFLA must file for a permit under this chapter no later than February 1, 2018. No other applications will be accepted by the city until March 1, 2018. Within 30 days after a pre-existing application is denied, the pre-existing dispensary or growing/manufacturing facility shall discontinue all operation unless the building or other code official determines it must be closed sooner for safety reasons.

(c) For the purposes of the permit required by this chapter, a processor and grower are treated as one permit. More than one state operating license(s) required for the operation of such may be combined at the same location under one permit.

(d) The number of permits issued and renewed in any year shall be capped at seven for provisioning centers and three for growers/processors.

(e) Effective upon the issuance of a state operating license ~~June 15, 2018~~, any permit shall automatically terminate and become void if the use permitted by this chapter stops for 90 days or more.

(f) A permit shall be issued or renewed upon payment of the required fee and submission of a completed application in compliance with the provisions of this chapter, and compliance with all provisions and requirements of this chapter, the MMFLA, and the MTA. Application to renew a permit under this chapter shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

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

(h) 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.

(i) 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 criminal liability the person may have for the production, distribution, or possession of marijuana, possession of drug paraphernalia, or presence in places where drugs are being used, stored, or kept.

(j) All marihuana facilities shall have a sign measuring at least 11 × 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.

2. 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 effect, 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 have been included in this Ordinance.

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

4. 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.

5. 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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 August, 2018.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1319 was published according to Section 11.13 of the City Charter on the 20th day of June, 2018.

Frances McMullan, 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 August, 2018.

Frances McMullan, City Clerk

Notice Published: June 20, 2018

First Reading: July 17, 2018

Second Reading: August 14, 2018

Published: August 23, 2018

Effective Date: September 22, 2018