



Legislation Text

File #: 18-0790, Version: 1

An Ordinance to Amend Sections 7:604 and 7:606 of Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-18-15)

On April 16th, 2018 City Council approved a resolution directing the City Administrator and City Attorney to prepare an ordinance that limits the number of provisioning centers to the number of approvable petitions for special exception use that had been accepted for consideration by the City by that date. Attached is an amendment to the Chapter 96 (Medical Marijuana Facilities) that limits the maximum number of provisioning centers to 28.

As of April 16th, there were 28 pending applications for provisioning centers that were approvable because they are not on a parcel within 600 feet of another parcel with a provisioning center. There are six additional petitions pending that currently violate the 600 feet restriction that may only be considered if one of the original 28 pending applications is denied.

Prepared by: Kristen Larcom, City Attorney
Kevin McDonald, City Attorney

Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Sponsored by: Mayor Taylor

ORDINANCE NO. ORD-18-15

First Reading: May 7, 2018
Public Hearing: May 21, 2018

Approved: May 21, 2018
Published: May 24, 2018
Effective: June 4, 2018

MEDICAL MARIJUANA FACILITIES

AN ORDINANCE TO AMEND SECTIONS 7:604 AND 7:606 OF CHAPTER 96 (MEDICAL MARIJUANA FACILITIES) OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 7:604 of Chapter 96 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:604. - City permit required, [Number of Permits Available](#).

(1) No person shall operate a facility for which an annual permit as provided for in this chapter has not been issued. [The maximum number of permits available for each type of facility is as follows:](#)

- (a) [Grower - no maximum.](#)
- (b) [Processor - no maximum.](#)

- (c) Secure transporter - no maximum.
- (d) Provisioning center - 28 permits.
- (e) Safety compliance facility - no maximum.

(2) The permit requirement in this chapter applies to all facilities that exist on the effective date of this chapter or are established after the effective date of this chapter. This includes all persons who engage or have engaged in any of the activities that are included in the definitions in the MMFLA of the types of entities that may obtain a state operating license, without regard to whether they called or call their businesses "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 MMFLA of the types of entities that may obtain a state operating license before the effective date of the MMFLA or before obtaining a state operating license does not have a vested right to obtain a city permit.

(3) The permit requirement in this chapter applies to all facilities whether operated for profit or not for profit.

(4) The permit requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marijuana facilities.

(5) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or city ordinance.

(6) A permit issued under this chapter shall be valid for 1 year after the date of issuance. To renew an existing permit, the permittee shall submit an application in the same manner as is required to apply for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date.

(7) Medical marijuana home occupations do not require permits.

Section 2. That Section 7:606 of Chapter 96 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:606. - Application requirements for and issuance of city permit.

(1) Application for new annual permit. An application for a new annual permit for a marijuana facility shall be submitted to the City Clerk on 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 and address of the facility and any other contact information requested on the application form.
- (b) The name and address of all owners of the real property where the facility is located.
- (c) Name and address of all business managers of the facility.
- (d) A statement with respect to each person named on the application whether the person

has:

- (i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted;
- (ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.

(e) Proof of applicant's ownership or legal possession of the premises.

(f) A zoning compliance permit.

(g) A certificate of occupancy [or temporary certificate of occupancy](#).

(h) If the application is for a grower's permit, the maximum number of plants that the applicant intends to grow. However, the application form for a grower's permit is the same regardless of whether the grower is applying for a state operating license for a Class A, Class B, or Class C license and 1 application fee for a grower's license shall apply without regard to the class of state operating license the permit application seeks.

(i) Payment of a non-refundable application fee, which shall be determined by resolution of the City Council.

(2) Renewal or amendment of existing permits.

(a) The same procedures that apply to applying for a new permit shall apply to the renewal or amendment of existing permits.

(b) An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires.

(c) An amended application shall be submitted under both of the following circumstances:

(i) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the city; and,

(ii) When there is a change in any information the permit applicant was required to provide in the most recent application for a state operating license on file with the state of Michigan.

(d) An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires. An application to amend an existing permit to change any other information on the most recent application on file with the city may be submitted at any time.

- (e) Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

Section 3: This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of May 21, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on May 24, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk