



**AGENDA
CITY OF LAPEER
CITY COMMISSION
576 LIBERTY PARK, LAPEER, MI 48446
NOVEMBER 18, 2024**

6:30 P.M. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

**PRESENTATION – LAPEER POLICE DEPARTMENT - ACCREDITATION PRESENTATION –
CHIEF RON WILES, DEP. DIRECTOR MI ASSOC OF CHIEFS OF POLICE**

APPROVAL OF NOVEMBER 18, 2024, AGENDA

A. MINUTES:

1. Minutes of the Regular meeting held November 4, 2024.

B. PUBLIC COMMENTS:

1. Lapeer County Commissioner - Brad Haggadone.

C. CONSENT AGENDA:

D. BILL LISTING:

1. Bill Listing for November 18, 2024.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

Approve the Bill Listing for November 18, 2024, in the amount of \$708,946.74.

E. PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS:

F. PUBLIC HEARINGS:

G. ADMINISTRATIVE REPORTS:

1. Ordinance Amendments – Chapter 7 Zoning, Chapter 68 Medical Marihuana Facilities and Chapter 69 Adult Use Marihuana Businesses and Facilities.

SUGGESTED MOTION: INTRODUCTION BY ONE COMMISSIONER.

Introduce an amendment to Chapter 7 (Zoning), §7-6.02 Schedule of Uses; §7-8.02 Schedule of Uses; §7-10.02 Schedule of Uses; §7-13.12 Medical Marihuana Facilities and Adult-Use (recreational) Marihuana establishments; Chapter 68 Medical Marihuana Facilities §68-1 to 68-8 and Chapter 69 Adult Use Marihuana Businesses and Facilities §69-1 to 69-6 of the General Ordinances of the City of Lapeer.

H. CITY MANAGER'S REPORT:

1. Various matters.

I. CITY ATTORNEY'S REPORT:

1. Various matters.

J. UNFINISHED BUSINESS:

1. Appointments to Boards and Commissions.

K. DEPARTMENTAL COMMUNICATIONS:

1. Departmental Monthly Reports.

L. PUBLIC COMMENTS:

M. CLOSING COMMENTS:

1. Commissioners.
2. City Manager.
3. Mayor.

N. REMINDER OF MEETINGS:

Next City Commission Meeting: **MONDAY, DECEMBER 2, 2024, Regular**

O. REMINDER OF PUBLIC HEARINGS:

ADJOURNMENT

MATERIAL TRANSMITTAL

Notice:

Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (810) 664-5231 or by email at clerk@ci.lapeer.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 4, 2024**

A regular meeting of the Lapeer City Commission was held November 4, 2024, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Marquardt.
Commissioners: Atwood, Brady, Glisman, Petrie, Swindell.
Absent: None.

City Manager: Mike Womack, present.
City Attorney: T. Allen Francis, present.

Mayor Marquardt led the Pledge of Allegiance.

Police Chief Howe accepted a donation of two bikes for the bike patrol unit from Chris Turner, Crank 4 A Cause Foundation and Crank Cycle and Fitness.

255 2024 11-04 AGENDA APPROVAL

Moved by Glisman. Seconded by Brady.
Approve the Agenda for November 4, 2024, as presented.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell.
Nays: None.
MOTION CARRIED.

256 2024 11-04 MINUTES

Moved by Glisman. Seconded by Brady.
Approve the minutes of the regular meeting held October 21, 2024, as presented.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell.
Nays: None.
MOTION CARRIED.

PUBLIC COMMENTS

John DeAngelis, Metamora, commented on the proposed Amendment to the Rules of the Procedures of the City Commission.

Dave Klafter commented on the annual veterans ceremony and gave an invocation.

Peter McCreedy commented on the trails in the city.

Jacob LaRoy commented on the proposed Amendment to the Rules of the Procedures of the City Commission.

257 2024 11-04 CONSENT AGENDA

Moved by Glisman. Seconded by Atwood.
Approve the consent agenda for November 4, 2024, as presented:
1. Special Event: Veterans' Day Ceremony, November 11, 2024.

2. Official 2025 Meeting Calendar.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell.
Nays: None.
MOTION CARRIED.

258 2024 11-04 BILL LISTING

Moved by Brady. Seconded by Swindell.
Approve the bill listing for November 4, 2024, in the amount of \$552,188.78.
ON A ROLL CALL VOTE.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell.
Nays: None.
MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

ADMINISTRATIVE REPORTS:

**259 2024 11-04 RESOLUTION – MSHDA 2025 HOUSING CHOICE VOUCHER
ADMINISTRATION CONTRACT**

Moved by Brady. Seconded by Petrie.
Adopt the Michigan State Housing Development Authority (MSHDA) Division of Rental Assistance and Homeless Solutions Housing Choice Voucher Program Amendment/Extension for Housing Choice Voucher Administration 2025 Calendar Year.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell.
Nays: None.
MOTION CARRIED.

260 2024 11-04 INDEPENDENT CONTRACTOR STAFF CONTRACTS - 2025

Moved by Brady. Seconded by Petrie.
Approve the independent Contractor Staff Contracts for 2025 MSHDA HCV Administration and authorize the Mayor and City Manager to sign all necessary documents.
Ayes: Atwood, Brady, Glisman, Petrie, Swindell,
Nays: None.
MOTION CARRIED.

261 2024 11-04 FERROUS CHLORIDE TANK

Moved by Brady. Seconded by Swindell.
Approve the purchase of Ferrous Chloride Tank from Hamlett Environmental Technologies for a cost not to exceed the amount of \$29,777.
ON A ROLL CALL VOTE.
Ayes: Brady, Glisman, Petrie, Swindell, Atwood.
Nays: None.
MOTION CARRIED.

**262 2024 11-04 AMEND - RULES OF PROCEDURES OF THE CITY
COMMISSION**

Moved by Swindell. Seconded by Brady.
Adopt the amendment to the Rules of Procedures of the City Commission, Public Participation at City Commission meetings, as presented.

Mayor Marquardt requested City Manager Womack to go through the changes. Mr. Womack commented that these are clarification of the law, and clarified the amendments suggested. City Commissioner held a discussion regarding the recommended changes. City Attorney Francis was asked to weigh in on the changes. He indicated he and his staff have worked with Mr. Womack on these changes, item seven (7) specifically is about profanity and slanderous remarks. Item three (3) gives the Mayor the tools needed in court and protects the City as long as the policy is followed. We have the right to free speech, but the City now has the right to limit what is or is not said.

Ayes: Atwood, Brady, Glisman, Swindell.

Nays: Petrie.

MOTION CARRIED 4-1.

CITY MANAGER'S REPORT

City Manager Womack stated the marihuana ordinance amendments will be in front of the Planning Commission at its next meeting. Hopes to bring those amendments to the December 2, 2024, City Commission meeting. Sent the Commission an email regarding a rainbow bridge project for deceased pets looking for their thoughts on such. Recently met with the Oakdale pump track group regarding board members; more than one City Commissioner would like to be on this board, will look into details, however, more than two members would be a quorum of the City Commission and that could be problematic.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL REPORTS

The DDA Monthly Departmental Report, Quarterly Financial Report and the Quarterly Investment Reports were received into the record.

PUBLIC COMMENTS

Jacob LaRoy, Mayfield Township, commented on the Rules of Procedures of the City Commission.

Bryan Cloutier, Lapeer citizen, commented on the Rules of Procedures of the City Commission, as he has been in government administration for over 30 years and understands the necessity of it. Understand the need for the civility at this level of government and thanked the Commission for making the changes.

MAYOR/COMMISSIONER COMMENTS

Commissioner Petrie: Gave reason for her no vote on the amendments to the Rules of Procedures of the City Commission. Thanked everyone for their prayers for her daughter and grandson, whom are both improving daily, appreciates the overwhelming responses.

Commissioner Glisman: Vote tomorrow if you haven't done so already. Kuddos to our Clerk Romona Sanchez, she has done an exemplary job. November 11, is Veteran's Day, pray and honor them. Read a prayer aloud. City Christmas lights downtown look wonderful, thank you.

Commissioner Swindell: Thanked City Clerk Sanchez and Deputy City Clerk Jansen, and all the election workers for their hard work during the 9-days of early voting. We had over 1,000 votes casts during that timeframe. Hopefully the early voting will keep the lines down tomorrow, appreciates staff's hard work. City has recently had several people in violation of the Rules of Procedures of the City Commission, glad for the changes. The city is turning into a tan city, business owners should have more choice in what their outer building can look like and would like the City to review the ordinance and revise it to add more color to the city.

Commissioner Atwood: Vote. Has met with the Michigan Municipal League (MML), they are rolling out how to have thriving communities, what it looks like, how can we do better. Michigan has been on the decline in a lot of areas, not attracting talent state-wide. The MML's slogan is: We love where you live. Went to Upper Peninsula rock hunting, has a yupper rock if anyone wants to look at it, also did trail riding.

City Manager Womack: Has UV light to look at yupper rocks as well in his backpack. Thanks to election workers, City Clerk Sanchez and Deputy City Clerk Jansen, they are doing an awesome job and are still working setting up for tomorrow. People are very emotional this election. Shango's odor system has been installed and approved. DDA has way finding signs and will work with DPW to get them installed. Noticed the Christmas decorations today. Congrats to Commission Petrie on the birth of her grandson. We had 1,076 people cast votes during early voting, and approximately 95% of the absentee ballots issued have been returned. Veteran's Day is November 11. Great work everyone.

Mayor Marquardt: Announced local events. Congratulations to Commissioner Petrie on her grandson. Hopes Shango's new system works. Had a skunk in her yard. MML is working on retaining talent in Michigan. Agrees with building colors which starts in the Planning area.

263 2024 11-04 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 7:38 p.m.

Debbie Marquardt, Mayor

Tracey S. Russell, Deputy City Clerk



ITEM D-1

To: Mayor and City Commission
From: Kelly Hanna, Director of Financial Services
Date: November 13, 2024
RE: Bill Listing – October 29, 2024, through November 12, 2024

STAFF RECOMMENDATION

Approve the bill listing as presented.

CURRENT OR NEW INFORMATION

I, Kelly Hanna, Director of Financial Services, have reviewed the bills for October 29, 2024, through November 12, 2024, in the total amount of **\$708,946.74** and find them to be proper charges.

AGENDA ITEM REVIEW

Meeting Date:	November 18, 2024	Date Reviewed:	November 13, 2024
Consent:			
Administrative:	X	Reviewed By:	City Clerk's Office
Public Hearing:			

CHECK REGISTER FOR CITY OF LAPEER
CHECK DATE FROM 10/29/2024 - 11/12/2024

Check Date	Check	Vendor Name	Amount
11/07/2024	598448	T. G. PRIEHS PAVING CO	176,000.00
11/07/2024	2521(A)	GREAT LAKES WATER AUTHORITY	159,119.57
11/07/2024	2537(E)	BLUE CROSS & BLUE SHIELD OF MI	68,220.63
11/07/2024	2513(A)	BENNETT ASPHALT PAVING INC.	58,340.00
11/07/2024	598422	COOPER EXCAVATING	54,340.00
11/07/2024	2530(A)	ROWE INC	22,497.50
10/29/2024	598413	WHITEWATER WEST INDUSTIES LTD.	20,699.40
11/07/2024	2516(A)	DIRECT FITNESS SOLUTIONS, LLC	15,880.00
11/07/2024	2529(A)	REHMANN LLC	15,000.00
11/07/2024	598416	BS & A SOFTWARE	13,653.00
11/07/2024	598446	SNOBLIN, GREGORY	12,550.00
11/07/2024	598443	NICHOLS ROOFING	12,250.00
11/07/2024	598441	MLR ENGINEERING	8,210.00
11/07/2024	2535(A)	VECTOR TECH GROUP	7,933.00
11/07/2024	2538(E)	CONSUMERS ENERGY	6,131.63
11/07/2024	2512(A)	ABM COMMERCIAL CLEANING	5,660.00
11/07/2024	598432	LAKE ORION PLUMBING & HEATING	5,250.00
11/07/2024	598436	LAPEER CO TREASURER	5,173.10
11/07/2024	2522(A)	L.E.O.R.T.C	3,793.73
11/07/2024	598447	STATE OF MICHIGAN	3,217.75
11/07/2024	598449	T. P. ISRAEL CO INC	2,880.00
11/07/2024	598438	MGS ELECTRIC INC.	2,220.00
11/07/2024	598433	LAPEER CO DRAIN COMMISSION	2,109.95
11/07/2024	2523(A)	MAUK, JODI	1,807.70
11/07/2024	2531(A)	SMITH, SHANNON	1,807.70
11/07/2024	598431	KERR PUMP & SUPPLY	1,728.10
11/07/2024	2515(A)	CORRIGAN OIL II, INC.	1,519.22
11/07/2024	598450	TRW LANDSCAPES LLC	1,454.90
11/07/2024	2539(E)	METROPOLITAN LIFE INSURANCE COMPANY	1,446.07
11/07/2024	598434	LAPEER CO FIREFIGHTERS ASSOC	1,300.00
11/07/2024	598444	OAKLAND COUNTY	1,160.00
11/07/2024	2526(A)	NYE UNIFORM CO	1,156.49
11/07/2024	598415	BESSETTE'S BUMPING & PAINTING	1,134.40
11/07/2024	598452	VERIZON WIRELESS	1,112.12
11/07/2024	2527(A)	ON DUTY GEAR, LLC	1,015.00
11/07/2024	2534(A)	TAYLOR, SARAH	1,000.00
11/07/2024	2524(A)	MILNES FORD INC	974.64
11/07/2024	2536(A)	WHOLESALE TREE, INC.	897.00
11/07/2024	2525(A)	NORTH CENTRAL LABS	834.13
11/07/2024	2533(A)	SZOTT FORD	813.40
11/07/2024	2520(A)	FLETCHER FEALKO SHOUDY & FRANCIS PC	715.00
11/07/2024	2518(A)	EUROFINS ENVIRONMENT TESTING	595.00
11/07/2024	2528(A)	PARAGON LABORATORIES, INC.	526.00

11/07/2024	2532(A)	STEPPIN' OUT	477.63
11/07/2024	598437	MARCO TECHNOLOGIES, LLC	433.98
11/07/2024	598414	ACTION MUNICIPAL SUPPLY, LLC	325.72
11/07/2024	598445	PITNEY BOWES INC.	301.25
11/07/2024	598427	HARTWIG, ROBERT	300.00
11/07/2024	598430	JAY'S SEPTIC	300.00
11/07/2024	598451	UNDERHILL, ROBERT	299.98
11/07/2024	598426	GRAINGER	267.64
11/07/2024	598421	CONSUMERS ENERGY COMPANY	250.00
11/07/2024	598442	MOORS MASONRY	250.00
11/07/2024	598423	D & W AWNING & WINDOW CO	200.00
11/07/2024	598428	HOLLAND HEATING & COOLING, INC	200.00
11/07/2024	598429	JADACH, CHRIS	177.00
11/07/2024	598439	MI STATE FIREMEN'S ASSOC	175.00
11/07/2024	598425	FENTON MEMORIALS & VAULTS, INC.	130.00
11/07/2024	598418	CALCATERRA, KATHRYN	115.00
11/07/2024	2517(A)	DORNER, LAURA	108.99
11/07/2024	598417	BUD'S HEATING & COOLING	100.00
11/07/2024	598419	CAPITOL SUPPLY & SERVICE, INC	100.00
11/07/2024	598440	MICHIGAN HEATING COOLING & PLUMBING	100.00
11/07/2024	2519(A)	FASTENAL COMPANY	62.96
11/07/2024	598435	LAPEER CO REGISTER OF DEEDS	60.00
11/07/2024	2514(A)	BURDICK STREET EQUIPMENT	39.46
11/07/2024	598420	CENTRAL MI ASSOC OF CHIEFS OF POLIC	25.00
11/07/2024	598424	DELYNN'S DESIGNS, INC	21.00
			<u>\$708,946.74</u>



ITEM G-1

To: City Commission
From: Mike Womack-City Manager
Date: November 13, 2024
RE: City Marihuana Ordinance amendments – 2024-09 through 2024-14

STAFF RECOMMENDATION

Review proposed ordinance amendments and recommendation from Planning Commission. Complete first reading of six ordinances.

1. Section 7-6.02 Schedule of Uses (Business and Office District) (Ord # 2024-09)
2. Section 7-8-02 Schedule of Uses (Industrial District) (Ord # 2024-10)
3. Section 7-10.02 Schedule of Uses (Mixed Use Overlay District) (Ord # 2024-11)
4. Section 7-13.12 Medical Marihuana facilities and adult-use (recreational) marihuana establishments (Ord #2024-12)
5. Chapter 68 Medical Marihuana Facilities (Ord #2024-13)
6. Chapter 69 Adult Use Marihuana Businesses and Facilities (Ord #2024-14)

CURRENT OR NEW INFORMATION

In consultation with the individual commission members, I have drafted a series of ordinance amendments which should correct the problems/concerns that we have with the existing marihuana ordinances. The City Attorney and City Planner have also worked with me on getting the language right and ensuring that we are appropriately and legally addressing the concerns of the Commission.

Zoning ordinances are required to be reviewed by the Planning Commission following a public hearing, the Planning Commission has already set that public hearing for their November meeting. The Planning Commission then can recommend those ordinances to the City Commission for approval or not. The City Commission is not bound by the recommendation of the Planning Commission but should give their recommendations appropriate deference.

There are also two non-zoning ordinances (68-1 and 69-1) which do not need to be reviewed by the Planning Commission.

The City is currently on the tail-end of our second 6 month moratorium on accepting or acting on any new marihuana license applications, I believe that period ends on December 31st. If the Planning Commission makes a recommendation at their meeting on the 14th of November, the City Commission can complete a first reading of all ordinances on November 18th and adopt on the 2nd of December. We do also have a meeting the 16th of December, and we can set a special meeting if necessary but I would recommend that we act on these ordinances before December 31st, if not it may be appropriate to lengthen that moratorium.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

This has been complex and a significant amount of work for me over the last year, getting these draft ordinance amendments to a place where I believe I will have support from the majority of the Commission. As with any controversial topic, I'm certain that not everyone will be happy with everything proposed in these changes, but this final proposed draft should comport with the stated intentions that have been provided to the Commission and Public multiple times in the past, including at the August 12th Joint Meeting.

Amongst the goals that I have attempted to meet in these proposed changes:

1. Limit the number of permitted marihuana licenses, both adult and medical and provide the City with greater flexibility in reducing that number if appropriate in the future.
2. Clarify language on co-location requirements for retailers/dispensaries.
3. Clarify prohibition of marihuana stores in the downtown area.
4. Prohibit outdoor storage of marihuana waste
5. Create a new 1500-foot buffer between marihuana growers and all R-1 zoning district areas.
6. Create new requirement that all marihuana odor control systems must be designed and stamped by a licensed engineer that specialized in odor control.
7. Clarify and strengthen language about property owner's responsibility to control marihuana odor from leaving their property.
8. Prohibit marihuana businesses from opening in the Business and Office Zoning Districts.
9. Prohibit Industrial uses or marihuana uses in the Mixed-Use Overlay Zone.
10. Allow all marihuana uses in the I-2 zoning district and allow marihuana businesses other than growers to operate in an I-1 district. (must still meet buffer requirements)
11. Make all marihuana businesses special land uses.
12. Clarify the City's process for license transfers for existing marihuana businesses.

To be clear, due to the legal rights of non-conforming uses, many of these changes will only apply to newly proposed businesses or if an existing business undertakes certain significant changes to their current operations. However, the proposed changes to odor control should make it easier to prosecute any offenders who fail to control any marihuana odor that leaves their property.

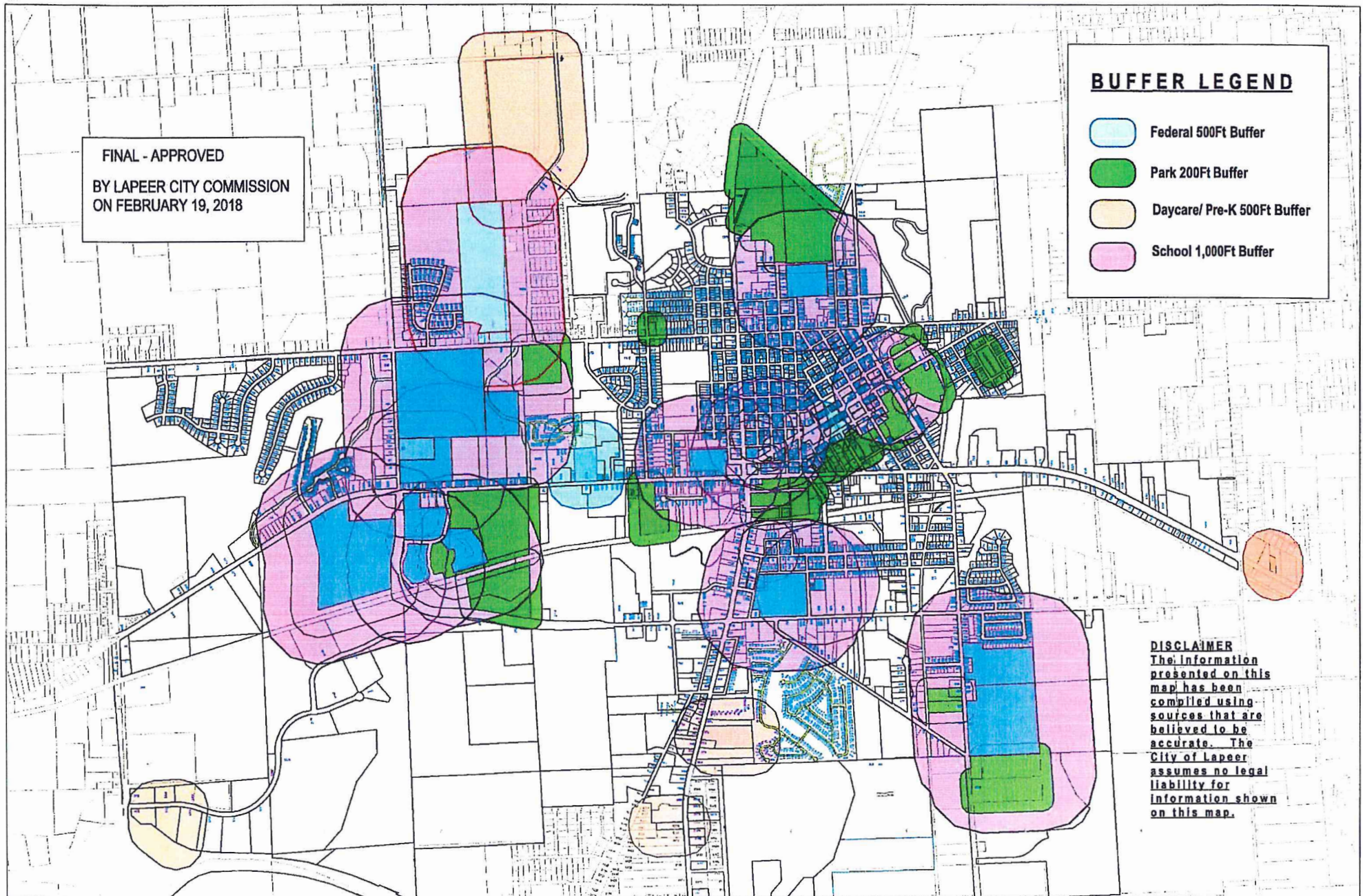
AGENDA ITEM REVIEW

Meeting Date: November 18, 2024

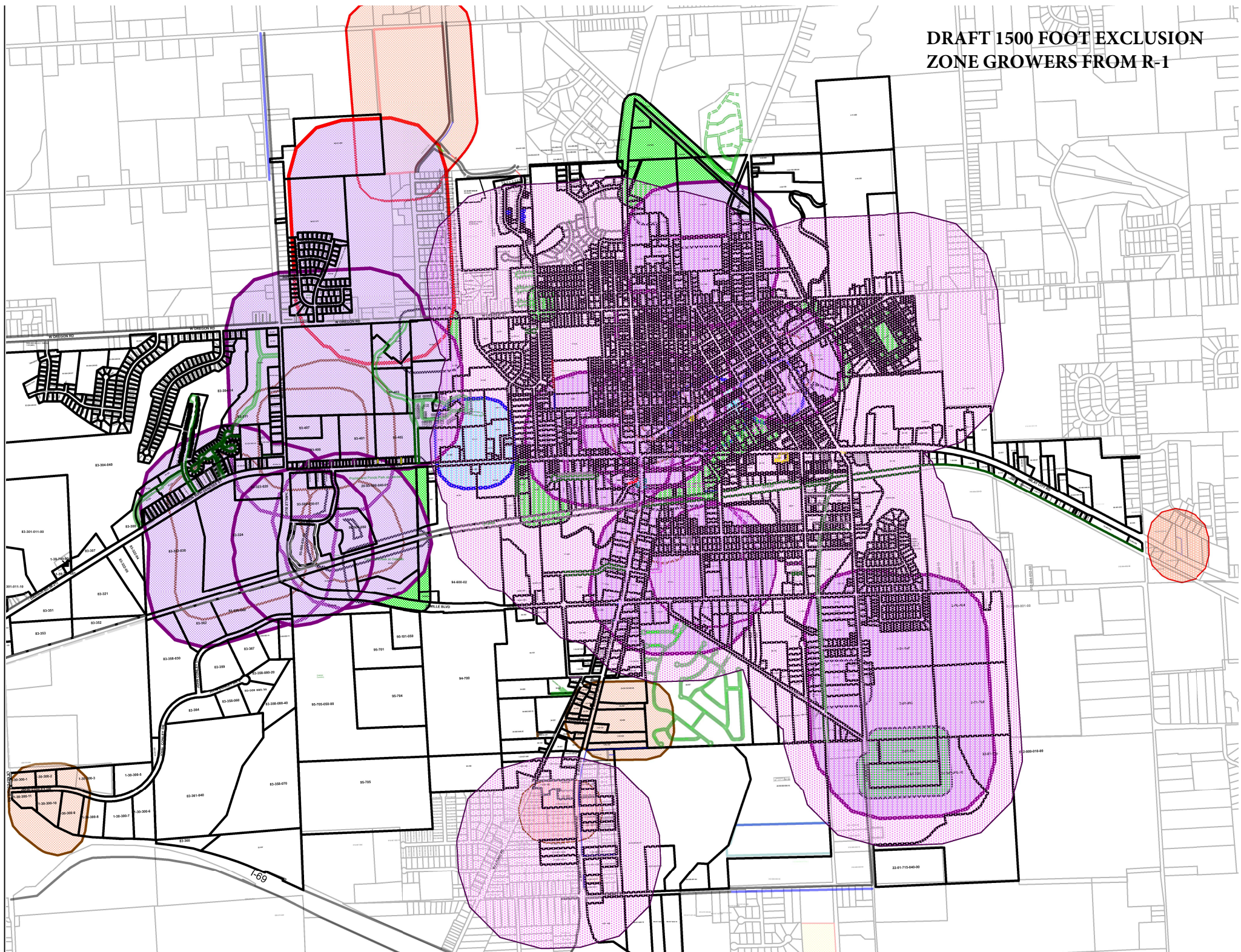
Date Reviewed: November 14, 2024

Reviewed By: City Clerk's Office

This Buffer Map applies to all Marihuana businesses, the new Grower Buffer Map applies exclusively to Marihuana Growers



**DRAFT 1500 FOOT EXCLUSION
ZONE GROWERS FROM R-1**



ORDINANCE AMENDMENTS
MARIHUANA FACILITIES
SECTIONS 68-1 and 69-1

SECTIONS 68-1
PROPOSED AMENDED ORDINANCE
&
REDLINE

Chapter 68

MEDICAL MARIHUANA FACILITIES

§ 68-1.	Purpose.	§ 68-6.	License renewal.
§ 68-2.	Definitions.	§ 68-7.	Applicability.
§ 68-3.	Authorization of facilities and fee.	§ 68-8.	Violations and penalties; enforcement.
§ 68-4.	Requirements and procedure for issuing license.	§ 68-9.	Severability.
§ 68-5.	Denial or revocation of license and appeal process.	§ 68-10.	Effective date.

~~[HISTORY: Adopted by the City Commission of the City of Lapeer 2-19-2018. Amendments noted where applicable.]~~

§ 68-1. Purpose.

- A. It is the intent of this chapter to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder. ~~[Amended 4-5-2021]~~
- B. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; the Marihuana Tracking Act, MCLA § 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- C. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana: under federal law. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity

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and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 68-2. Definitions.

For the purposes of this chapter:

- A. Any term defined by the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCLA § 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

GROWER — A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

LICENSEE — A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

MARIHUANA FACILITY — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.

MARIJUANA or MARIHUANA — That term as defined in the Public Health Code, MCLA § 333.1101 et seq.; the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; and the Marihuana Tracking Act, MCLA § 333.27901 et seq.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, trust, or other legal entity.

PROCESSOR — A licensee that is a commercial entity located in Michigan 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.

PROVISIONING CENTER — A licensee that is a commercial entity located in Michigan 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. "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 in accordance with the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., is not a provisioning center for purposes of this article.

SAFETY COMPLIANCE FACILITY — A licensee that is a commercial entity that receives

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marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

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.

§ 68-3. Authorization of facilities and fee.

- A. The following medical marihuana facilities may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with ~~PA 281 of 2016, MCLA § 333.27101 et seq.~~ as may be amended,⁴ the rules promulgated thereunder and this chapter:

Facility	Number
Provisioning center	6
Grower	Unlimited
Processor	Unlimited
Safety compliance facility	Unlimited
Secure transporter	Unlimited

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Facility	Number
Provisioning Center	Six (6) unless increased or decreased by resolution of City Commission.
Grower	Two (2) ~~any license combined total~~ unless increased or decreased by resolution of City Commission.
Processor	Three (3) unless increased or decreased by resolution of City Commission.
Safety Compliance Facility	Unlimited unless increased or decreased by resolution of City Commission.

Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility of any type may be located within the Central Business Zoning District or Downtown Development District.

- B. ~~If the City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.~~
- C. ~~If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.~~
- B. ~~The Lapeer City Commission, at any time, but no less frequently than once per year, shall review the maximum number of each type of marihuana facility allowed pursuant to this chapter and determine whether the number should be limited or changed, and if so, determine a maximum number for each type of marihuana facility. However, following each annual review, the Lapeer City Commission shall not limit the number of licenses for each classification of license to a number less than those currently~~

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~~approved, absent good cause shown, giving due consideration to the public health and welfare. The review and its findings shall be recorded in the minutes of the relevant meeting of the Lapeer City Commission.~~

D. The City Clerk shall keep the City Commission informed regarding the status of the marihuana businesses located within the City on a regular basis.

C.E. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this chapter in an annual amount of not more than \$5,000 as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.

- (1) Should any person, for whatever reason, not receive a license under § 68-4C(1), Application, or § 68-4C(2), Provisional license, 1/2 of the application fee may be returned, provided that no appeal process has occurred.

§ 68-4. Requirements and procedure for issuing license.

- A. No person shall operate a marihuana facility in the City of Lapeer without a valid marihuana facility license issued by the City of Lapeer pursuant to the provisions of this chapter as authorized by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

~~1. Editor's Note: See MCLA § 333.27101 et seq.~~

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B. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Facility, identity of the Licensee, and the owners Licensee. A marihuana facility license issued under this chapter is valid for one year and is not transferable, except between common ownership, and/or ownership interests in a Licensee are not transferable except as permitted herein.

(1) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license are permitted only if:

a. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.

b. The Department has approved or preapproved the proposed transfer.

c. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.

d. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Marihuana Facility is not in violation of any rule, regulation, or Ordinance applicable to such facility.

e. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.

(2) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license the time the license was issued or who were not identified on the application for a license are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.

(3) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.

B.

C. The City Clerk has broad authority, consistent with the terms of this Ordinance, to establish policies, criteria and forms to implement administrative policies and processes for the application, renewal and reapplication of Licenses under this ordinance. The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.

C.D. The procedure in processing a request for a marihuana facility license will involve three steps as follows:

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(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. Such application shall include, in addition to all other items set forth in the application itself: ~~{Amended 4-5-2021-}~~

[1] A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.

[2] A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.

- (b) Upon the applicant's completion of the application form and furnishing all required information and documentation, the City ~~Clerk's office~~Clerk shall accept the application. The City Clerk is authorized to develop a policy that outlines the procedure to be used in determining the issuance of the provisional licenses for ~~provisioning centers~~marihuana facilities. Said policy to be approved by the City Commission.

- (c) The City Clerk's office shall refer the application to the Assessing Department to verify that the proposed site is outside the buffer zones stipulated in ~~§ 7-13.421 of~~ Chapter 7, Zoning, and to the Planning Department to verify that the property is located in a zoning district that allows the ~~permitted~~proposed use. The Assessing Department and the Planning Department shall respond to the City Clerk's office ~~within 10 business days~~as soon as practicable possible.

- (d) The City Clerk's office shall act to approve or deny an application not later than ~~45~~20 business days from the date the fully completed application was accepted.

- (e) If approved, the City Clerk's office shall issue the applicant a provisional license.

- (2) Standards for issuance of provisional license. The Clerk shall issue a provisional license under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:

- (a) The application (including any required attachments and submissions) is complete and

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signed by the applicant;

- (b) The applicant has paid the nonrefundable application fee and any other fees required;
- (c) The application does not contain a material falsehood or misrepresentation;
- (d) The proposed location of the facility is permitted in the location sought to be approved ~~as outlined in § 68-4C(3)(a)~~ is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.

(3) Provisional license.

- (a) A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, that the proposed facility is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.

- (b) A provisional license will lapse and be void if such permits and approvals are not diligently pursued as follows:

- [1] Existing structure with no site changes: 90 days.
- [2] Existing structure with minimal site changes requiring an administrative zoning review: one year.
- [3] Proposed construction of a structure requiring site plan review by the Planning Commission: one year.

- (c) After submission of all other permits and approvals required under the provisional license, and payment of the annual nonrefundable fee, the City Clerk's office shall approve or deny the marihuana facility license ~~with 15~~ within 20 business days.

(4) Marihuana facility license. A permit issued pursuant to this chapter does not eliminate the need for the applicant to obtain other required licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a marihuana facility license can be issued under this chapter, all requirements as listed below, including all other applicable provisions within the City of Lapeer's Code, must be met.

- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- (b) Maintaining a valid marihuana facility license by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility license under this chapter and continued operation of any marihuana facility.
- (c) Site plan approval and/or other necessary approved permits per Chapter 7, Zoning, are required before the City Clerk is permitted to issue a license.
- (d) All City of Lapeer departments are required to sign off on their review of the marihuana facility license once approval has been determined. The City of Lapeer Departments and licensed professionals that are part of the review and approval process are as follows:

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~~[Amended 5-6-2019]~~

- [1] Planning Department, Planner/Planning Consultant.
- [2] Department of Public Works, Director of Public Works.
- [3] Building Department, Building Official.
- [4] Assessing Department, Assessor.
- [5] Fire Department, Fire Chief.
- [6] Police Department, Police Chief.
- [7] City Engineering Consultant (site plan reviews only).

- (e) Execute a statement to be initialed by the applicant that the applicant and the employees of the facility(ies) may be subject to prosecution under federal marijuana laws.
- (f) Execute a statement to be initialed by the applicant that the City of Lapeer accepts no legal liability in connection with the approval and subsequent operation of the facility.

~~D.E.~~ Extension of expiration dates. Extension of an expiration date for those applicants who hold a provisional license with the City of Lapeer due to the delay of issuance of a license at the state level may be considered as follows: ~~[Added 5-6-2019]~~

- (1) The applicant may provide a written request to the City for an extension of time prior to the expiration date of a City-approved provisional license when such request for extension is premised on either of the following:
 - (a) A state decision to deny a prequalification application or final application and the applicant is actively appealing such denial as provided under the Act or such other available appellate remedies as allowed by law.
 - (b) State delay of issuance of a license for approval of a prequalification application or final application.
- (2) The written request shall contain the following:
 - (a) Explanation of the reason(s) for the extension.
 - (b) Whether the applicant has been denied by the state for a prequalification application or final application, and proof the applicant has filed an appeal with the state or as otherwise allowed by law.
- (3) The City Clerk will review the information provided and make a determination as to the accuracy of the information. After said review, the City Clerk may authorize an extension of the expiration date for up to six months. ~~A maximum of three extensions may be awarded.~~
- (4) Upon determination and authorization by the City Clerk for an extension of the expiration date, the City Clerk shall provide the City Commission information relating to the request and length of extension.

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§ 68-5. Denial or revocation of license and appeal process.

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- A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:
- (1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this chapter in reference to the operation of a licensed facility;
 - (2) One or more violations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., or any City ordinance on the premises;
 - (3) Maintenance of a nuisance on the premises, including a failure to control marihuana odor as required by law;
 - (4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City;
 - (5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
 - (6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license within any part of the requirement and procedure for issuing a license.
- B. Revocation. A marihuana facility license may be revoked by the City Clerk based on the following:
- (1) Violation of the standards for approval in § 68-5A of this chapter.
 - (2) Denial, suspension, revocation or restriction of license by the State of Michigan.
 - (3) A violation of the Act, any state or local regulations, the provisions of this chapter or the provisions of a license.
 - (4) Failure to control marihuana odor from exiting the property as required under this ordinance.
 - (4)(5) Convictions.
 - (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the applicant or the applicant's managerial employees within the past 10 years or has been convicted of a controlled-substance-related felony within the past 10 years.
 - (b) Conviction of an applicant or an applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last five years.
 - (5)(6) Operations have ceased at the facility for more than 90 days, including during a change of ownership of the facility.
 - (6)(7) Ownership of the facility has been transferred without the new owner obtaining a marihuana facility license pursuant to this chapter.
- C. Notice of decision. The Clerk shall notify the applicant of the decision to deny an application for or the revocation of a marihuana facility license under the terms and provisions of this chapter within three business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the applicant or license holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.

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D. Appeal process. An applicant or licensee has the right to appeal the Clerk's denial of an application for or the revocation of a marihuana facility license to the Lapeer City Commission.

- (1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Lapeer.
- (2) Any person whose application or license has been denied or revoked under § 68-5A or 68-5B by the City of Lapeer will have 30 days from the date of the notice to provide a written response [and request for appeal](#) to the City of Lapeer.
- (3) The applicant or licensee shall be provided with not less than 10 days' prior written notice of the appeal hearing to be held by the City Commission.
- (4) The burden of proof in an appeal filed under this section shall be on the applicant or licensee.
- (5) If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was correct, the Lapeer City Commission shall uphold the decision of the Clerk. If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the marihuana facility license issued (if it was previously denied) or reinstated (if it was previously revoked).
- (6) Any decision made by the Lapeer City Commission pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within 30 days of the date of the City Commission decision. The applicant's or licensee's failure to timely appeal the decision is a waiver the applicant's or licensee's right to contest the denial of the application or the revocation of the marihuana facility license.
- (7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this chapter for one year from the date a denial or revocation became effective.

§ 68-6. License renewal.

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license shall be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Lapeer and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least 30 days prior to the date of its expiration.

§ 68-7. Applicability.

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this chapter.

§ 68-8. Violations and penalties; enforcement.

- A. Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the payment of a civil fine as outlined in Chapter 62, Civil Infractions, § 62-4, of the Code of the City of Lapeer. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

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- B. A violation of this chapter is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Lapeer may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter.
- C. This chapter shall be enforced and administered by the City of Lapeer Police Department, [Code Enforcement Officer or Building Official](#) or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission.

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§ 68-9. Severability.

In the event that any one or more sections, provisions, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.

§ 68-10. Effective date.

This chapter shall take effect ~~on April 1, 2018,~~[upon publication in a local newspaper of general jurisdiction or as otherwise required by law.](#)

Chapter 68

MEDICAL MARIHUANA FACILITIES

§ 68-1.	Purpose.	§ 68-6.	License renewal.
§ 68-2.	Definitions.	§ 68-7.	Applicability.
§ 68-3.	Authorization of facilities and fee.	§ 68-8.	Violations and penalties; enforcement.
§ 68-4.	Requirements and procedure for issuing license.	§ 68-9.	Severability.
§ 68-5.	Denial or revocation of license and appeal process.	§ 68-10.	Effective date.

§ 68-1. Purpose.

- A. It is the intent of this chapter to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder.
- B. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; the Marihuana Tracking Act, MCLA § 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- C. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana under federal law. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity

and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 68-2. Definitions.

For the purposes of this chapter:

- A. Any term defined by the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCLA § 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

GROWER — A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

LICENSEE — A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

MARIHUANA FACILITY — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.

MARIJUANA or MARIHUANA — That term as defined in the Public Health Code, MCLA § 333.1101 et seq.; the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; and the Marihuana Tracking Act, MCLA § 333.27901 et seq.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, trust, or other legal entity.

PROCESSOR — A licensee that is a commercial entity located in Michigan 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.

PROVISIONING CENTER — A licensee that is a commercial entity located in Michigan 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. "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 in accordance with the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., is not a provisioning center for purposes of this article.

SAFETY COMPLIANCE FACILITY — A licensee that is a commercial entity that receives

marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

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.

§ 68-3. Authorization of facilities and fee.

- A. The following medical marihuana facilities may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with MCLA § 333.27101 et seq. as may be amended, the rules promulgated thereunder and this chapter:

Facility	Number
Provisioning Center	Six (6) unless increased or decreased by resolution of City Commission.
Grower	Two (2) unless increased or decreased by resolution of City Commission.
Processor	Three (3) unless increased or decreased by resolution of City Commission.
Safety Compliance Facility	Unlimited unless increased or decreased by resolution of City Commission.

Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility of any type may be located within the Central Business Zoning District or Downtown Development District.

- B. If the City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- C. If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- D. The City Clerk shall keep the City Commission informed regarding the status of the marihuana businesses located within the City on a regular basis.
- E. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this chapter in an annual amount of not more than \$5,000 as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
- (1) Should any person, for whatever reason, not receive a license under § 68-4C(1), Application, or § 68-4C(2), Provisional license, 1/2 of the application fee may be returned, provided that no appeal process has occurred.

§ 68-4. Requirements and procedure for issuing license.

- A. No person shall operate a marihuana facility in the City of Lapeer without a valid marihuana facility license issued by the City of Lapeer pursuant to the provisions of this chapter as authorized by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
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- B. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Facility, identity of the Licensee, and the owners Licensee. A marihuana facility license and/or ownership interests in a Licensee are not transferable except as permitted herein.
- (1) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license are permitted only if:
 - a. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - b. The Department has approved or preapproved the proposed transfer.
 - c. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - d. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Marihuana Facility is not in violation of any rule, regulation, or Ordinance applicable to such facility.
 - e. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
 - (2) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license the time the license was issued or who were not identified on the application for a license are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
 - (3) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
- C. The City Clerk has broad authority, consistent with the terms of this Ordinance, to establish policies, criteria and forms to implement administrative policies and processes for the application, renewal and reapplication of Licenses under this ordinance. The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
- D. The procedure in processing a request for a marihuana facility license will involve three steps as follows:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. Such application shall include, in addition to all other items set forth in the application itself:
 - [1] A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
 - [2] A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
 - (b) Upon the applicant's completion of the application form and furnishing all required information and documentation, the City Clerk shall accept the application. The City Clerk is authorized to develop a policy that outlines the procedure to be used in determining the issuance of the provisional licenses for marihuana facilities. Said policy to be approved by the City Commission.
 - (c) The City Clerk's office shall refer the application to the Assessing Department to verify that the proposed site is outside the buffer zones stipulated in Chapter 7, Zoning, and to the Planning Department to verify that the property is located in a zoning district that allows the proposed use. The Assessing Department and the Planning Department shall respond to the City Clerk's office as soon as practicably possible.
 - (d) The City Clerk's office shall act to approve or deny an application not later than 20 business days from the date the fully completed application was accepted.
 - (e) If approved, the City Clerk's office shall issue the applicant a provisional license.
- (2) Standards for issuance of provisional license. The Clerk shall issue a provisional license under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:
- (a) The application (including any required attachments and submissions) is complete and signed by the applicant;
 - (b) The applicant has paid the nonrefundable application fee and any other fees required;
 - (c) The application does not contain a material falsehood or misrepresentation;
 - (d) The proposed location of the facility is permitted in the location sought to be approved is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and

regulations of the City of Lapeer.

(3) Provisional license.

- (a) A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, that the proposed facility is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
 - (b) A provisional license will lapse and be void if such permits and approvals are not diligently pursued as follows:
 - [1] Existing structure with no site changes: 90 days.
 - [2] Existing structure with minimal site changes requiring an administrative zoning review: one year.
 - [3] Proposed construction of a structure requiring site plan review by the Planning Commission: one year.
 - (c) After submission of all other permits and approvals required under the provisional license, and payment of the annual nonrefundable fee, the City Clerk's office shall approve or deny the marihuana facility license within 20 business days.
- (4) Marihuana facility license. A permit issued pursuant to this chapter does not eliminate the need for the applicant to obtain other required licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a marihuana facility license can be issued under this chapter, all requirements as listed below, including all other applicable provisions within the City of Lapeer's Code, must be met.
- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
 - (b) Maintaining a valid marihuana facility license by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility license under this chapter and continued operation of any marihuana facility.
 - (c) Site plan approval and/or other necessary approved permits per Chapter 7, Zoning, are required before the City Clerk is permitted to issue a license.
 - (d) All City of Lapeer departments are required to sign off on their review of the marihuana facility license once approval has been determined. The City of Lapeer Departments and licensed professionals that are part of the review and approval process are as follows:

- [1] Planning Department, Planner/Planning Consultant.
 - [2] Department of Public Works, Director of Public Works.
 - [3] Building Department, Building Official.
 - [4] Assessing Department, Assessor.
 - [5] Fire Department, Fire Chief.
 - [6] Police Department, Police Chief.
 - [7] City Engineering Consultant (site plan reviews only).
- (e) Execute a statement to be initialed by the applicant that the applicant and the employees of the facility(ies) may be subject to prosecution under federal marijuana laws.
 - (f) Execute a statement to be initialed by the applicant that the City of Lapeer accepts no legal liability in connection with the approval and subsequent operation of the facility.
- E. Extension of expiration dates. Extension of an expiration date for those applicants who hold a provisional license with the City of Lapeer due to the delay of issuance of a license at the state level may be considered as follows:
- (1) The applicant may provide a written request to the City for an extension of time prior to the expiration date of a City-approved provisional license when such request for extension is premised on either of the following:
 - (a) A state decision to deny a prequalification application or final application and the applicant is actively appealing such denial as provided under the Act or such other available appellate remedies as allowed by law.
 - (b) State delay of issuance of a license for approval of a prequalification application or final application.
 - (2) The written request shall contain the following:
 - (a) Explanation of the reason(s) for the extension.
 - (b) Whether the applicant has been denied by the state for a prequalification application or final application, and proof the applicant has filed an appeal with the state or as otherwise allowed by law.
 - (3) The City Clerk will review the information provided and make a determination as to the accuracy of the information. After said review, the City Clerk may authorize an extension of the expiration date for up to six months.
 - (4) Upon determination and authorization by the City Clerk for an extension of the expiration date, the City Clerk shall provide the City Commission information relating to the request and length of extension.

§ 68-5. Denial or revocation of license and appeal process.

- A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:
 - (1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this chapter in reference to the operation of a licensed facility;
 - (2) One or more violations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., or any City ordinance on the premises;
 - (3) Maintenance of a nuisance on the premises, including a failure to control marihuana odor as required by law;
 - (4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City;
 - (5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
 - (6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license within any part of the requirement and procedure for issuing a license.
- B. Revocation. A marihuana facility license may be revoked by the City Clerk based on the following:
 - (1) Violation of the standards for approval in § 68-5A of this chapter.
 - (2) Denial, suspension, revocation or restriction of license by the State of Michigan.
 - (3) A violation of the Act, any state or local regulations, the provisions of this chapter or the provisions of a license.
 - (4) Failure to control marihuana odor from exiting the property as required under this ordinance.
 - (5) Convictions.
 - (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the applicant or the applicant's managerial employees within the past 10 years or has been convicted of a controlled-substance-related felony within the past 10 years.
 - (b) Conviction of an applicant or an applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last five years.
 - (6) Operations have ceased at the facility for more than 90 days, including during a change of ownership of the facility.
 - (7) Ownership of the facility has been transferred without the new owner obtaining a marihuana facility license pursuant to this chapter.
- C. Notice of decision. The Clerk shall notify the applicant of the decision to deny an application for or the revocation of a marihuana facility license under the terms and provisions of this chapter within three business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the applicant or license holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.

- D. Appeal process. An applicant or licensee has the right to appeal the Clerk's denial of an application for or the revocation of a marihuana facility license to the Lapeer City Commission.
- (1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Lapeer.
 - (2) Any person whose application or license has been denied or revoked under § 68-5A or 68-5B by the City of Lapeer will have 30 days from the date of the notice to provide a written response and request for appeal to the City of Lapeer.
 - (3) The applicant or licensee shall be provided with not less than 10 days' prior written notice of the appeal hearing to be held by the City Commission.
 - (4) The burden of proof in an appeal filed under this section shall be on the applicant or licensee.
 - (5) If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was correct, the Lapeer City Commission shall uphold the decision of the Clerk. If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the marihuana facility license issued (if it was previously denied) or reinstated (if it was previously revoked).
 - (6) Any decision made by the Lapeer City Commission pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within 30 days of the date of the City Commission decision. The applicant's or licensee's failure to timely appeal the decision is a waiver the applicant's or licensee's right to contest the denial of the application or the revocation of the marihuana facility license.
 - (7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this chapter for one year from the date a denial or revocation became effective.

§ 68-6. License renewal.

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license shall be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Lapeer and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least 30 days prior to the date of its expiration.

§ 68-7. Applicability.

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this chapter.

§ 68-8. Violations and penalties; enforcement.

- A. Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the payment of a civil fine as outlined in Chapter 62, Civil Infractions, § 62-4, of the Code of the City of Lapeer. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this chapter is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Lapeer may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter.
- C. This chapter shall be enforced and administered by the City of Lapeer Police Department, Code Enforcement Officer or Building Official or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission.

§ 68-9. Severability.

In the event that any one or more sections, provisions, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.

§ 68-10. Effective date.

This chapter shall take effect upon publication in a local newspaper of general jurisdiction or as otherwise required by law.

SECTIONS 69-1
PROPOSED AMENDED ORDINANCE
&
REDLINE

Chapter 69

ADULT USE MARIHUANA BUSINESSES AND FACILITIES

§ 69-1.	Purpose.	§ 69-6.	Penalties and enforcement.
§ 69-2.	Definitions.	§ 69-7.	Repealer.
§ 69-3.	Licensing and appeals.	§ 69-8.	Severability.
§ 69-4.	License applications.	§ 69-9.	When effective.
§ 69-5.	Regulations.		

~~[HISTORY: Adopted by the City Commission of the City of Lapeer 7-13-2020. ¹ Amendments noted where applicable.]~~

§ 69-1. Purpose.

- A. Recognizing that there is a potential conflict between federal and state law with respect to the operation of adult use marihuana businesses, it is the purpose and intent of this chapter to give effect to the intent of Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. (the "Act"), as approved by the electors. It is the further intent of this chapter to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below, as allowed by the Act.
- B. This chapter is designed to recognize the fundamental intent of the Act to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana in lawful amounts by those adults 21 and over as allowed by the Act; and to regulate around this fundamental intent in a manner that does not conflict with the Act. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000, or such other amount as may be authorized by law or regulation, on each marihuana facility licensee granted by the City of Lapeer under Michigan law and this chapter. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq.
- C. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this chapter; and nothing in this chapter shall be construed to undermine or provide immunity from federal law or state law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.
- D. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful under federal law to manufacture, distribute, or dispense marihuana, or possess marihuana

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1. — Editor's Note: This ordinance superseded former Ch. 69, Recreational Marihuana Facilities, adopted 3-18-2019.

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with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 69-2. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions have been drawn from and are intended to have the same meaning as those terms are ascribed in the Act or its Rules as provided in the Act:

ACT — The Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCLA 333.27951 to 333.27967.

AGENCY — The Marijuana Regulatory Agency.

APPLICANT — A person who applies for a license in the City of Lapeer pursuant to this chapter to operate a marihuana retailer, marihuana grower, marihuana processor, marihuana secure transporter, marihuana safety compliance facility or marihuana microbusiness under this chapter.

- (1) For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:
- (a) For an individual or sole proprietorship: the proprietor and spouse.
 - (b) For a partnership and limited liability partnership: all partners and their spouses.
 - (c) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - (d) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - (e) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (f) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (g) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
 - (h) For a nonprofit corporation: all individuals and entities with membership or shareholder

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rights in accordance with the articles of incorporation or the bylaws, and their spouses.

(2) For purposes of this definition, an applicant does not include:

- (a) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- (b) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee. Nothing in this chapter shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms "franchise," "franchisor," and "franchisee" shall have the meanings set forth in Section 2 of the Franchise Investment Law, 1974 PA 269, MCLA 445.1502.
- (c) A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
- (d) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property, including, but not limited to, brands and recipes.

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AUTHORIZED ESTABLISHMENT — That type of marihuana establishment authorized to be licensed in ~~§ 69-3B of this chapter~~ [ordinance](#) within the City of Lapeer.

BUILDING — A combination of materials forming a structure affording an establishment or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment in the building. A building shall not be construed to mean a building incidental to the use for agricultural purposes of the land on which the building is located.

BUREAU OF FIRE SERVICES or BFS — The Bureau of Fire Services in the Department of Licensing and Regulatory Affairs.

CITY — The City of Lapeer.

CO-LOCATE — To locate or be in jointly or together; to share or designate to share the same place.

COMMON OWNERSHIP — Two or more state licenses or two or more equivalent licenses held by one person.

COMPLETE APPLICATION — An application that includes all the information required ~~in Rules 7, 8, and 10 as established in this ordinance or by the City Clerk~~

CULTIVATE — To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

DEPARTMENT — The Michigan Department of Licensing and Regulatory Affairs or its successor agency.

DESIGNATED CONSUMPTION ESTABLISHMENT — A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license as permitted by the Rules and Regulations adopted by the Bureau of Marihuana Regulation (BMR).

EMPLOYEE — A person performing work or service for compensation. An employee does not mean individuals providing trade services who are not normally engaged in the operation of a marihuana establishment.

EQUIVALENT LICENSES — Any of the following held by a single licensee:

- (1) A marihuana grower license, of any class, issued under the Act and a grower license, of any class, issued under the MMFLA.
- (2) A marihuana processor license issued under the Act and a processor license issued under the MMFLA.
- (3) A marihuana retailer license issued under the Act and a provisioning center license issued under the MMFLA.
- (4) A marihuana secure transporter license issued under the Act and a secure transporter license issued under the MMFLA.
- (5) A marihuana safety compliance facility license issued under the Act and a safety compliance facility license issued under the MMFLA.

EXCESS MARIHUANA GROWER — A license issued to a person holding five Class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. ~~Amended 4-5-2021~~.

LICENSEE — A person holding a state license under the Act or a person holding a municipal license granted by the City of Lapeer, or both.

MARIHUANA or MARIJUANA — All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this chapter, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) Industrial hemp; or
- (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA ACCESSORIES — Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use of planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

MARIHUANA ESTABLISHMENT — A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed to operate by the Agency under the Act.

MARIHUANA EVENT ORGANIZER — A person licensed to apply for a temporary marihuana event license under these rules.

MARIHUANA GROWER — A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

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MARIHUANA MICROBUSINESS — A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER — A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA — 2016 PA 281, MCLA 333.27101 to 333.27801, which allows for the licensing of medical marihuana facilities.

MUNICIPAL or CITY LICENSE — A license issued by a municipality pursuant to Section 16 of the Act that allows a person to operate a marihuana establishment in that municipality where the Department has failed to timely accept or process an application under the Act.

MUNICIPALITY — The City of Lapeer.

PERSON — An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PROPOSED MARIHUANA ESTABLISHMENT — A location at which an applicant plans to operate a marihuana establishment under the Act and this chapter if the applicant is issued a license.

STAKEHOLDER — The officers, directors, and managerial employees of an applicant and any persons who hold any direct or indirect ownership interest in the applicant.

STATE LICENSE — A license issued by the Department that allows a person to operate a marihuana establishment.

TEMPORARY MARIHUANA EVENT LICENSE — A state license held by a marihuana event organizer for an event where the on-site sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

- B. To the extent that any terms defined herein are not consistent with the definitions of those same terms under the Act, or any Rules promulgated in furtherance of the Act, then those terms as defined in the Act and Rules shall be ~~as defined in the~~ [Act and Rules controlling definition](#).

§ 69-3. Licensing and appeals.

- A. License required. It shall be unlawful for any person to operate a ~~medical~~ marihuana facility or a marihuana establishment in the City of Lapeer without a valid license for such marihuana [facility or a marihuana](#) establishment issued by the City Clerk in accordance with the provisions of this chapter.
- B. Authorization of marihuana establishment licenses; licensing and administrative fees.
- (1) Type of authorized license.

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- (a) Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the following adult use business licenses may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with the Act, as may be amended, the Rules promulgated thereunder, and this chapter: ~~[Amended 4-5-2021]~~

License Type	Number
<u>Marihuana Retailer</u>	<u>Six (6) unless increased or decreased by resolution of City Commission.</u>
<u>Marihuana Grower (Class A, B or C)</u>	<u>Eight (8) unless increased or decreased by resolution of the City Commission.</u>
<u>Marihuana Processor</u>	<u>Five (5) unless increased or decreased by resolution of the City Commission</u>
<u>Marihuana Safety Compliance Facility</u>	<u>Unlimited unless increased or decreased by resolution of the City Commission</u>

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License Type	Number
<u>Marihuana retailer (see below)</u>	<u>6</u>
<u>Marihuana grower (Class A, B, and C)</u>	<u>Unlimited</u>
<u>Marihuana excess grower</u>	<u>Unlimited</u>
<u>Marihuana processor</u>	<u>Unlimited</u>
<u>Marihuana safety compliance facility</u>	<u>Unlimited</u>
<u>Marihuana secure transporter</u>	<u>Unlimited</u>

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- (b) City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- (c) If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.

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- ~~(b)~~(d) A marihuana retailer is an authorized establishment under this chapter and Section 6 of the MRTMA, MCLA 333.27956, but only at a location where a medical marihuana provisioning center license has also been approved (co-located), with or without the continued medical marihuana provisioning center use following the enactment of this chapter. Any operation of the medical marijuana provisioning center, a marijuana retailer, or combination of the two, shall comply with all zoning and regulatory conditions of the original licensure ~~of the medical marihuana provisioning center~~ and site plan approval for the licensed location.

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- (e) Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility or a marihuana establishment of any type may be located within the Downtown Development Authority District or Central Business Zoning District.
- (2) No other licenses authorized. Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the City shall not authorize any licenses ~~to operate not listed above in subpart (a-)~~. The City specifically prohibits the opening or operation of marihuana microbusiness, or a designated consumption establishment, and further shall not authorize the issuance of establishments, marihuana event organizer license organizers or temporary marihuana event license events in the City. [Amended 4-5-2021]
- (3) Application, licensing and administrative fees.
- (a) The city clerk has broad authority, consistent with the terms of this ordinance and the Act, to implement administrative policies and processes for the application and reapplication of licenses under this ordinance.
- (b) The city clerk will establish written policies, criteria, processes, and forms for the application and reapplication for a license under this ordinance.
- (c) Pursuant to Section 6 of the MRTMA, an application for a license shall be accompanied by a nonrefundable application fee to help defray administrative and enforcement costs associated with the operation of the proposed authorized establishment, which shall be in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested.
- (d) Additionally, for each year in which an applicant has submitted an application for license renewal, a nonrefundable fee shall be paid by each applicant for such renewal, including upon an application for renewal of any license issued pursuant to this chapter, in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested to defray application, administrative, and enforcement costs associated with the renewal application review and operation of those types of marihuana establishments authorized within the City of Lapeer.

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§ 69-4. License applications.

A. Applications required.

(1) Application from applicant that has applied and received state license prequalification. Any person seeking to operate an authorized marihuana establishment as provided in § 69-~~3B3~~ and who has submitted and received license prequalification from the State of Michigan pursuant to Section 9 of the MRTMA, MCLA 333.27959, shall file a license application with the City Clerk upon a form provided by the City. The application shall include the following information:
~~[Amended 10-5-2020]~~

(+)

- (a) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.
- (b) If the applicant is an entity, the entity's articles of incorporation or organizational documents.
- (c) If the applicant is an entity, the entity's employer identification number.
- (d) If the applicant is an entity, the entity's operating agreement or bylaws.
- (e) A proposed marketing, advertising, and business promotion plan for the proposed authorized establishment.
- (f) A description of planned tangible capital investment in the City of Lapeer.
- (g) An explanation of the economic benefits to the City of Lapeer and job creation to be achieved, including the number and type of jobs the authorized establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the authorized establishment.
- (h) A description of the financial structure and financing for the proposed authorized establishment.
- (i) Short-term and long-term business goals and objectives for the proposed authorized establishment.
- (j) A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
~~[Amended 4-5-2021]~~
- (k) A description of the security plan for the proposed authorized establishment that is consistent with the requirements of the Department.
- (l) A floor plan of the proposed authorized establishment.

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- (m) A scale diagram illustrating the property upon which the proposed authorized establishment is to be operated, including all available parking spaces, and specifying which parking spaces are handicapped-accessible.
- (n) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed authorized establishment.
- (o) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City of Lapeer.
- (p) A statement by the applicant that the applicant has submitted a valid application for an authorized establishment license under this chapter, that the proposed authorized establishment is located in a proper zoning district, that the proposed authorized establishment is not located in a required buffer zone, and that the applicant understands, acknowledges and agrees that the applicant cannot and shall not locate or operate a proposed authorized establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
- (q) A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process. [Added 4-5-2021]

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- (2) Application from applicant for a municipal license upon Department's failure to timely accept or process applicant's state application, pursuant to Section 16 of the MRTMA, MCLA 333.27966. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3B and who has submitted an application for licensure to the Department, but the Department has failed to timely accept or process the applicant's application as required by Section 16 of the MRTMA, MCLA 333.27966, then the applicant shall provide to the City the applicant's entire application and provide all such information and submissions so as to provide the City with a complete application for review as required by Section 9 of the MRTMA, MCLA 333.27959. In such case, all provisions of the Act and the Rules promulgated by the Department shall be applicable to the applicant's application, the application's review and the operations of the applicant under any resulting municipal license issued by the City. The City shall have available to it all powers and authority reserved to the State of Michigan and the Department not otherwise applicable to the City had the Department issued the applicant a state license under the Act.

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- B. Applications exempt from disclosure. Except as provided by law, all materials submitted to the City of Lapeer as part of an application shall be exempt from disclosure under the Freedom of Information Act and exempt from disclosure pursuant to Section 9 of the MRTMA, MCLA 333.27959(7).

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- C. Application review.

- (1) The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.

- ~~(1)~~(2) The City Clerk shall review each application to ensure that it is complete, that the information required by this chapter has been submitted, and that the application fee has been paid. The City Clerk may reject any application that is not complete and may deny an application for failure to pay the full application fee.

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- ~~(2)~~(3) Upon receipt of a completed application meeting the requirements of this chapter and the

appropriate license application fee, the City Clerk shall refer a copy of the application to each

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of the following for their approval: the Police Chief, the Fire Chief, the Building Inspector, the City Planner, and the City Treasurer.

(3)(4) No application shall be approved, and no license shall issue, unless:

- (a) The Police Chief has reviewed the completeness and accuracy of the background information provided by the applicant in the application.
- (b) The Fire Chief and the Building Inspector have inspected the proposed location for compliance with all applicable laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
- (c) The City Planner has confirmed that the proposed location complies with the relevant provisions of the City of Lapeer Zoning Ordinance ~~and this chapter, the zoning requirements of this chapter and any necessary administrative, Planning Commission or Zoning Board of Appeals approvals.~~
- (d) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City of Lapeer.

(4) ~~After the effective date of this chapter, the City shall begin accepting applications for authorized establishments for a period of 21 days.~~

(5) ~~The City, with the assistance of its consultants and advisors, legal and otherwise, shall assess, evaluate, score and rank all applications for licenses to operate a marihuana retailer within 90 days after expiration of the submission period.~~

(6) ~~In its application assessment, evaluation, scoring, ranking, and deliberations related to licenses to operate a marihuana retailer, the City shall assess, evaluate, score, and rank each application based upon the following factors:~~

- (a) ~~Detailed information concerning the applicant's ownership structure as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be five points.~~
- (b) ~~Detailed information concerning the applicant's financial stability as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be seven points.~~
- (c) ~~Detailed information concerning the applicant's business experience as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be nine points.~~
- (d) ~~Detailed information concerning the applicant's proposed business operations as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be 12 points.~~
- (e) ~~Detailed information concerning the applicant's proposed facility construction, rehabilitation or improvements, maintenance, use and security as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be~~

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26 points.

(f) Detailed information concerning the applicant's proposed community outreach and relations as set forth in the City of Lapeer's Marihuana Retailer Scoring Criteria, which shall be provided to an applicant as part of the application. The maximum number of scoring points in this category shall be six points.

(7) Overall scoring and ranking shall be conducted and applied by the City Clerk with the assistance of legal advice from the City Attorney on the basis of assigned points from zero points to 65 points, with the lowest overall total score as zero points and the highest possible total score being 65 points.

(8) The City Clerk shall forward all information, including scoring and ranking information, to the City Commission, who, at the next Commission meeting, unless postponed for good cause or otherwise provided herein, shall award licenses as follows:

(5) One license to the six highest scoring marihuana retailer applicants if such marihuana retailer is co-located with a medical marihuana provisioning center licensed under Chapter 68 of the City Ordinances. Licenses shall be approved on a first come first served basis, upon receipt, review and approval of all required application materials and planning/zoning approval.

(a)

(b) If the six highest scoring medical marihuana provisioning centers and marihuana retailers are not co-located as provided in this chapter, then the licenses shall be awarded to the two highest scoring medical marihuana provisioning center and/or marihuana retailer applicants so as to provide for two separate provisioning and/or retail facilities.

(c) In the event of an evaluation scoring tie, which causes there to be more than one applicant who achieve scores sufficient to qualify for a marihuana retailer license, the applicants whose scores are deemed a tie will be entered into a random draw. Those applicants randomly selected shall be eligible to receive a license to operate a marihuana retailer.

(d) In the event that the number of marihuana retailer licenses initially awarded is less than the maximum number authorized under this chapter or subsequently falls below the maximum number authorized under this chapter, the City shall not be required to score applicants. Instead, the City shall evaluate applications in the order that they are submitted and shall award licenses for marihuana retailers to an applicant who submits a complete application, receives the approvals required in this chapter, and meets the requirements of this chapter.

(e) In no event shall the number of marihuana retailer licenses exceed the maximum number authorized under this chapter.

D. Transfer of licenses.

(1) A license issued pursuant to this chapter is valid only for the applicant Licensee named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a marihuana business license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this chapter. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Establishment, identity of the Licensee, and the Stakeholders of the Licensee.

(2) Each A Licensee may not transfer the location of an Authorized Establishment for which a license is exclusive was issued under this Ordinance. In the event a Licensee desires to be the licensee, transfer the location of an Authorized Establishment, the Licensee shall submit an application for the proposed location transfer and the same will be subject to the same

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application, review, and approval process applicable to Applicants for a new license under this Ordinance.

(3) Licenses and/or ownership interests in a Licensee are not transferable except as permitted herein.

(a) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license as Stakeholders are permitted only if:

i. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.

ii. The Department has approved or preapproved the proposed transfer.

iii. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.

iv. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Authorized Establishment(s) are not in violation of any rule, regulation, or Ordinance applicable to the Authorized Establishment(s).

v. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.

(b) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license at the time the License was issued or who were not identified on the application for a license as a Stakeholder are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.

(c) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.

(2)(4) The licensee shall report all proposed material changes to the Department and the City Clerk before prior to making such material changes that may require prior authorization by the Department. Material. For purposes of this section, material changes include, but are not limited to, the following:

(a) Change A proposed change in owners, officers, members, or managers of Licensee;

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~~(b) Change of location. Upon notification of a proposed change in location, the Department may determine that a new license and new inspection are required for the change of location;~~

~~(b) A proposed change of location of licensee;~~

(c) The addition or removal of persons named in the application or disclosed; and

~~(d) ChangeAny change in entityLicensee's name;~~

~~(e)(d) Any attempted transfer, sale, assumed name, or other conveyance of an interest in a license doing business as name;~~

~~(3)(5)~~ A license granted pursuant to this chapter and the Act is a revocable privilege granted by the City and is not a property right. The issuance of a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior City and Department approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.

~~(4) Any transfer of ownership of a license issued under this chapter to a different individual, individuals or entity, if approved by the Department, may be approved by the City only after the City has received written approval from the State of Michigan approving such proposed transfer, and upon prior submission to the City Clerk of all licensing application(s) and supporting documentation filed by the transferee with the Department. Any transfer permitted under this chapter shall be only for the remainder of the unexpired annual license term and no longer.~~

E. Term of licenses. Approval of a license shall be for a period of one calendar year, subject to review by the City Clerk upon continued compliance with the regulations of this chapter.

F. Renewal of licensees.

(1) Application for a license renewal shall be made in writing to the City Clerk at least 30 days prior to the expiration of an existing license.

(2) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City Clerk and shall contain substantially all the information required in an initial application.

(3) An application for a license renewal shall be accompanied by a renewal fee as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.

(4) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to the Police Chief, Fire Chief, Building Inspector and Treasurer.

(5) No application for a license renewal shall be approved unless:

(a) The Fire Chief and the Building Inspector or another relevant department have, within the past calendar year, inspected the location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(b) The City Planner or another relevant department has confirmed that the location complied with the relevant provisions of the City of Lapeer Zoning Ordinance at the time the license

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was granted.

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- (c) The licensee possesses the necessary state licenses or approvals, including those issued pursuant to the Act.
 - (d) The licensee has operated the authorized establishment in accordance with the conditions and requirements of this chapter.
 - (e) The licensee is operating the authorized establishment in accordance with the Act.
- (6) If written approval is given by each department or entity identified in this section, the City Clerk shall issue a license renewal to the licensee. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application for renewal.
- (7) Pursuant to the MRTMA, any license issued by the City of Lapeer shall expire one year from the date of its issuance. Failure to submit a completed application for renewal of an existing license along with the required renewal fee to the City Clerk ~~on or~~ before the license expiration date shall be grounds for the revocation or suspension of a license as set forth in Subsection G next below. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal license has been obtained in accordance with this chapter.
- G. Revocation or suspension of a license. Each authorized establishment within the City of Lapeer for which a license is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this chapter, the City Clerk may, after a notice and hearing, revoke or suspend such license as hereinafter provided.
- H. Procedure for nonrenewal, suspension, or revocation of license. The City Clerk shall notify an applicant or licensee of the reasons for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant or licensee with the opportunity to be heard. Any applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the Lapeer City Commission. Such appeal shall be taken by filing with the City Clerk, within 21 days after notice of the action complained of has been mailed to the applicant or licensee's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The City Clerk shall transmit all written materials received from the applicant or licensee directly to the Lapeer City Commission. The review on appeal of a denial or revocation or adverse action shall be by the Commission pursuant to this chapter. Any decision by the City Commission on an appeal shall be final. The City Clerk and the Lapeer City Commission may engage professional experts to assist with the proceedings under this section.
- I. Criteria for nonrenewal, suspension, or revocation of license. In addition to any other reasons set forth in this chapter, the City may refuse to issue a license or grant renewal of the license or suspend or revoke the license for any of the following reasons:
 - (1) A material violation of any provision of this chapter or other City ordinances.
 - (2) Any conviction of a disqualifying felony by the licensee or any stakeholder of the licensee.
 - (3) Denial, suspension, revocation or restriction of an applicable license by the State of Michigan.
 - (4) Sufficient evidence that the applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this chapter and the rules and regulations governing the MRTMA and the State of Michigan.

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- (5) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City.
- (6) The applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a license.
- (7) Operations have ceased at the licensed location for more than 90 days, including during a change of ownership or transfer of license.
- (8) Transfer of the license for any reason without the new owner or transferee having first notified the Department and the City of any material change in owners, officers, members, or managers and having first received from approval by the Department and the City for any such material change as described in the Rules promulgated by the Department in furtherance of the Act.

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§ 69-5. Regulations.

- A. License requirements. A license issued to an authorized establishment under this chapter shall be subject to the following conditions:

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- (1) Compliance with the requirements of this chapter, other applicable City of Lapeer ordinances and codes, including all applicable zoning ordinances and requirements, building, property maintenance, electrical, plumbing and mechanical codes, fire codes and all other applicable state laws, including, but not limited to, the MRTMA and the Rules promulgated in conjunction therewith.
- (2) Signs displayed on the exterior and interior of any authorized establishment shall conform to City of Lapeer ordinance requirements. ~~No signs shall contain the words "marihuana," "marijuana," "cannabis," "weed," "ganja," "dank," "smoke," "mary jane," or "blunt" or similar marihuana-related euphemisms, nor shall any sign contain marihuana leaves,~~ sign ordinance requirements as well as all other applicable provisions of Article XVII of Chapter 7, the City Zoning Ordinance.
- (3) No licensee or authorized establishment shall use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors or otherwise advertise in a manner that is inconsistent with the provisions of the Act or Rules of the Department.
- (4) Operation of an authorized establishment shall not, either directly or indirectly, cause or create any noise, dust, vibration, glare, fumes, or odors constituting a nuisance and also detectable to the human senses of a reasonable person beyond the boundaries of the property on which the facility is operated.
- (5) A license that is issued under this chapter shall be posted at all times inside the authorized establishment in a conspicuous location ~~and must be visible to the public~~ near the entrance.
- (6) Consumption of marihuana ~~shall be~~ alcohol is prohibited at the facility, and a sign shall be posted on the premises indicating that consumption of marihuana or alcohol is prohibited on the premises.
- (7) There shall be posted in a conspicuous location ~~and visible to the public~~ in each establishment a legible sign containing the content of this section warning that:
 - (a) The possession, use or distribution of marihuana is a violation of federal law;
 - (b) It is illegal under state law to drive a motor vehicle or to operate machinery when under

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the influence of, or impaired by, marihuana; and

- (c) No one under the age of 21 years is permitted on the premises or be in possession of marihuana.

- (8) The authorized establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

- (9) The facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

B. Sales prohibited during certain hours.

- (1) No licensee, employee, or agent of a licensee shall sell or purchase, by sale, barter, exchange, or otherwise, any item under a license issued pursuant to this chapter from or to any person or entity between the hours of ~~11:00:01~~ p.m. and ~~7:00:59~~ a.m. of the following day.

- (2) ~~The hours of operation for any No marihuana retailer, safety compliance establishment, and secure transport establishment licensed hereunder business shall be no more than from 7 open to the public except between the hours of 9:00 a.m. to 11:00 p.m., of the same day, only.~~
[Amended 10-5-2020]

C. Prohibited acts.

- (1) It shall be unlawful:

- (a) For any licensee or authorized establishment to permit the consumption of marihuana or alcohol beverages on the licensed premises.
- (b) For any licensee or authorized establishment holding a marihuana retailer license, or for any agent, manager or employee thereof, to:

- [1] Sell, give, dispense or otherwise distribute marihuana ~~or marihuana accessories~~ from any outdoor location;

- ~~[2] Provide or give away marihuana accessories upon the purchase of marihuana;~~

- ~~[3] Provide or give away marihuana upon the purchase of marihuana accessories;~~

- ~~[4]~~ [2] Display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment, ~~sell or market marihuana accessories;~~

- ~~[5]~~ Sell or display any marihuana accessory targeted to ~~younger persons~~ under the age of 21 or minors, such

- ~~[3]~~ as those fashioned as superhero comic book characters, Sesame Street® cartoon characters, children's television characters and the like;

- ~~[6]~~ [4] Sell or display any ~~glass~~ unsafe marihuana accessories or glass accessories made of non-Pyrex® rated glass materials;

- ~~[7]~~ [5] Manufacture, sell or display any marihuana accessory fashioned to look like guns or other weapons;

- ~~[8]~~ [6] Manufacture, sell or display any accessory that contains any name, emblem, badge, mark, seal or logo of the City of Lapeer or its departments or a reasonable facsimile thereof.

- (c) For retail marihuana establishments to distribute marihuana or marihuana-infused products

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to a consumer free of charge.

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- (d) For any licensee or authorized establishment to permit the consumption of ~~retail~~ marihuana or ~~retail~~ marihuana products on the licensed premises.
- (2) In conformance with the Michigan Regulation and Taxation of Marihuana Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by that Act, is prohibited in any public places owned, occupied, or managed by the City of Lapeer.
- (3) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medicinal purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.
- D. Compliance with state laws. Each licensee and employee must comply with the terms of state laws, including, but not limited to, the MMFLA and the MRTMA, any amendments thereto, as well as any Rules promulgated pursuant to the MMFLA or the MRTMA. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., and all other applicable Rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., or the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.
- E. Compliance with zoning and other ordinances. Every licensee and employee shall comply with all requirements for the business location at which work, pursuant to any license issued under this chapter, occurs as provided in any applicable zoning and other ordinances of the City of Lapeer.
- F. Minors prohibited. No person shall permit any person under the age of 21 years to come upon or remain on the premises of any business licensed herein, except as provided by the MMFLA.

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§ 69-6. Penalties and enforcement.

Any person who violates this chapter shall be responsible for a municipal civil infraction and punished by a fine of not more than \$500 pursuant to Section 6 of the MRTMA, MCLA 333.27956. This chapter shall be enforced and administered by the City of Lapeer Police Department, [code enforcement officer](#), [city manager](#) and [city attorney](#) or such other City of Lapeer official as may be designated from time to time by resolution of the _____ the _____ Lapeer _____ City _____ Commission. [In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance.](#)

§ 69-7. Repealer.

All ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent

[City of Lapeer, MI](#)

that the provisions thereof are inconsistent with the provisions hereof.

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§ 69-8. Severability.

In the event that any one or more sections, provisions, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.

§ 69-9. When effective.

This ~~chapter ordinance~~ shall take effect ~~90 days from the date of upon publication in a newspaper of general circulation in the City or as otherwise may be required by law and shall be maintained in the office of the City Clerk.~~

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Chapter 69

ADULT USE MARIHUANA BUSINESSES AND FACILITIES

§ 69-1.	Purpose.	§ 69-6.	Penalties and enforcement.
§ 69-2.	Definitions.	§ 69-7.	Repealer.
§ 69-3.	Licensing and appeals.	§ 69-8.	Severability.
§ 69-4.	License applications.	§ 69-9.	When effective.
§ 69-5.	Regulations.		

§ 69-1. Purpose.

- A. Recognizing that there is a potential conflict between federal and state law with respect to the operation of adult use marihuana businesses, it is the purpose and intent of this chapter to give effect to the intent of Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. (the "Act"), as approved by the electors. It is the further intent of this chapter to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below, as allowed by the Act.
 - B. This chapter is designed to recognize the fundamental intent of the Act to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana in lawful amounts by those adults 21 and over as allowed by the Act; and to regulate around this fundamental intent in a manner that does not conflict with the Act. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000, or such other amount as may be authorized by law or regulation, on each marihuana facility licensee granted by the City of Lapeer under Michigan law and this chapter. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq.
 - C. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this chapter; and nothing in this chapter shall be construed to undermine or provide immunity from federal law or state law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.
 - D. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful under federal law to manufacture, distribute, or dispense marihuana, or possess marihuana
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with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 69-2. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions have been drawn from and are intended to have the same meaning as those terms are ascribed in the Act or its Rules as provided in the Act:

ACT — The Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCLA 333.27951 to 333.27967.

AGENCY — The Marijuana Regulatory Agency.

APPLICANT — A person who applies for a license in the City of Lapeer pursuant to this chapter to operate a marihuana retailer, marihuana grower, marihuana processor, marihuana secure transporter, marihuana safety compliance facility or marihuana microbusiness under this chapter.

- (1) For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:
- (a) For an individual or sole proprietorship: the proprietor and spouse.
 - (b) For a partnership and limited liability partnership: all partners and their spouses.
 - (c) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - (d) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - (e) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (f) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (g) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
 - (h) For a nonprofit corporation: all individuals and entities with membership or shareholder

rights in accordance with the articles of incorporation or the bylaws, and their spouses.

(2) For purposes of this definition, an applicant does not include:

- (a) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- (b) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee. Nothing in this chapter shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms "franchise," "franchisor," and "franchisee" shall have the meanings set forth in Section 2 of the Franchise Investment Law, 1974 PA 269, MCLA 445.1502.
- (c) A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
- (d) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property, including, but not limited to, brands and recipes.

AUTHORIZED ESTABLISHMENT — That type of marihuana establishment authorized to be licensed in this ordinance within the City of Lapeer.

BUILDING — A combination of materials forming a structure affording an establishment or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment in the building. A building shall not be construed to mean a building incidental to the use for agricultural purposes of the land on which the building is located.

BUREAU OF FIRE SERVICES or BFS — The Bureau of Fire Services in the Department of Licensing and Regulatory Affairs.

CITY — The City of Lapeer.

CO-LOCATE — To locate or be in jointly or together; to share or designate to share the same place.

COMMON OWNERSHIP — Two or more state licenses or two or more equivalent licenses held by one person.

COMPLETE APPLICATION — An application that includes all the information required as established in this ordinance or by the City Clerk

CULTIVATE — To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

DEPARTMENT — The Michigan Department of Licensing and Regulatory Affairs or its successor agency.

DESIGNATED CONSUMPTION ESTABLISHMENT — A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license as permitted by the Rules and Regulations adopted by the Bureau of Marihuana Regulation (BMR).

EMPLOYEE — A person performing work or service for compensation. An employee does not mean individuals providing trade services who are not normally engaged in the operation of a marihuana establishment.

EQUIVALENT LICENSES — Any of the following held by a single licensee:

- (1) A marihuana grower license, of any class, issued under the Act and a grower license, of any class, issued under the MMFLA.
- (2) A marihuana processor license issued under the Act and a processor license issued under the MMFLA.
- (3) A marihuana retailer license issued under the Act and a provisioning center license issued under the MMFLA.
- (4) A marihuana secure transporter license issued under the Act and a secure transporter license issued under the MMFLA.
- (5) A marihuana safety compliance facility license issued under the Act and a safety compliance facility license issued under the MMFLA.

EXCESS MARIHUANA GROWER — A license issued to a person holding five Class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

LICENSEE — A person holding a state license under the Act or a person holding a municipal license granted by the City of Lapeer, or both.

MARIHUANA or MARIJUANA — All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this chapter, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) Industrial hemp; or
- (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA ACCESSORIES — Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use of planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

MARIHUANA ESTABLISHMENT — A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed to operate by the Agency under the Act.

MARIHUANA EVENT ORGANIZER — A person licensed to apply for a temporary marihuana event license under these rules.

MARIHUANA GROWER — A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA MICROBUSINESS — A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER — A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA — 2016 PA 281, MCLA 333.27101 to 333.27801, which allows for the licensing of medical marihuana facilities.

MUNICIPAL or CITY LICENSE — A license issued by a municipality pursuant to Section 16 of the Act that allows a person to operate a marihuana establishment in that municipality where the Department has failed to timely accept or process an application under the Act.

MUNICIPALITY — The City of Lapeer.

PERSON — An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PROPOSED MARIHUANA ESTABLISHMENT — A location at which an applicant plans to operate a marihuana establishment under the Act and this chapter if the applicant is issued a license.

STAKEHOLDER — The officers, directors, and managerial employees of an applicant and any persons who hold any direct or indirect ownership interest in the applicant.

STATE LICENSE — A license issued by the Department that allows a person to operate a marihuana establishment.

TEMPORARY MARIHUANA EVENT LICENSE — A state license held by a marihuana event organizer for an event where the on-site sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

- B. To the extent that any terms defined herein are not consistent with the definitions of those same terms under the Act, or any Rules promulgated in furtherance of the Act, then those terms as defined in the Act and Rules shall be the controlling definition.

§ 69-3. Licensing and appeals.

- A. License required. It shall be unlawful for any person to operate a marihuana facility or a marihuana establishment in the City of Lapeer without a valid license for such marihuana facility or a marihuana establishment issued by the City Clerk in accordance with the provisions of this chapter.
- B. Authorization of marihuana establishment licenses; licensing and administrative fees.
- (1) Type of authorized license.

- (a) Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the following adult use business licenses may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with the Act, as may be amended, the Rules promulgated thereunder, and this chapter:

License Type	Number
Marihuana Retailer	Six (6) unless increased or decreased by resolution of City Commission.
Marihuana Grower (Class A, B or C)	Eight (8) unless increased or decreased by resolution of the City Commission.
Marihuana Processor	Five (5) unless increased or decreased by resolution of the City Commission
Marihuana Safety Compliance Facility	Unlimited unless increased or decreased by resolution of the City Commission

- (b) If the City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- (c) If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- (d) A marihuana retailer is an authorized establishment under this chapter and Section 6 of the MRTMA, MCLA 333.27956, but only at a location where a medical marihuana provisioning center license has also been approved (co-located). Any operation of the medical marijuana provisioning center, a marijuana retailer, or combination of the two, shall comply with all zoning and regulatory conditions of the original licensure and site plan approval for the licensed location.
- (e) Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility or a marihuana establishment of any type may be located within the Downtown Development Authority District or Central Business Zoning District.
- (2) No other licenses authorized. Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the City shall not authorize any licenses not listed above in subpart (a). The City specifically prohibits the opening or operation of marihuana microbusiness, designated consumption establishments, marihuana event organizers or temporary marihuana events in the City.
- (3) Application, licensing and administrative fees.
- (a) The city clerk has broad authority, consistent with the terms of this ordinance and the Act, to implement administrative policies and processes for the application and reapplication of licenses under this ordinance.
- (b) The city clerk will establish written policies, criteria, processes, and forms for the application and reapplication for a license under this ordinance.

- (c) Pursuant to Section 6 of the MRTMA, an application for a license shall be accompanied by a nonrefundable application fee to help defray administrative and enforcement costs associated with the operation of the proposed authorized establishment, which shall be in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested.
- (d) Additionally, for each year in which an applicant has submitted an application for license renewal, a nonrefundable fee shall be paid by each applicant for such renewal, including upon an application for renewal of any license issued pursuant to this chapter, in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested to defray application, administrative, and enforcement costs associated with the renewal application review and operation of those types of marihuana establishments authorized within the City of Lapeer.

§ 69-4. License applications.

A. Applications required.

- (1) Application from applicant that has applied and received state license prequalification. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3 and who has submitted and received license prequalification from the State of Michigan pursuant to Section 9 of the MRTMA, MCLA 333.27959, shall file a license application with the City Clerk upon a form provided by the City. The application shall include the following information:
 - (a) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.
 - (b) If the applicant is an entity, the entity's articles of incorporation or organizational documents.
 - (c) If the applicant is an entity, the entity's employer identification number.
 - (d) If the applicant is an entity, the entity's operating agreement or bylaws.
 - (e) A proposed marketing, advertising, and business promotion plan for the proposed authorized establishment.
 - (f) A description of planned tangible capital investment in the City of Lapeer.
 - (g) An explanation of the economic benefits to the City of Lapeer and job creation to be achieved, including the number and type of jobs the authorized establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the authorized establishment.
 - (h) A description of the financial structure and financing for the proposed authorized establishment.
 - (i) Short-term and long-term business goals and objectives for the proposed authorized establishment.
 - (j) A criminal background report on the applicant's criminal history. Such reports shall be

obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.

- (k) A description of the security plan for the proposed authorized establishment that is consistent with the requirements of the Department.
 - (l) A floor plan of the proposed authorized establishment.
 - (m) A scale diagram illustrating the property upon which the proposed authorized establishment is to be operated, including all available parking spaces, and specifying which parking spaces are handicapped-accessible.
 - (n) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed authorized establishment.
 - (o) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City of Lapeer.
 - (p) A statement by the applicant that the applicant has submitted a valid application for an authorized establishment license under this chapter, that the proposed authorized establishment is located in a proper zoning district, that the proposed authorized establishment is not located in a required buffer zone, and that the applicant understands, acknowledges and agrees that the applicant cannot and shall not locate or operate a proposed authorized establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
 - (q) A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
- (2) Application from applicant for a municipal license upon Department's failure to timely accept or process applicant's state application, pursuant to Section 16 of the MRTMA, MCLA 333.27966. Any person seeking to operate an authorized marijuana establishment as provided in § 69-3B and who has submitted an application for licensure to the Department, but the Department has failed to timely accept or process the applicant's application as required by Section 16 of the MRTMA, MCLA 333.27966, then the applicant shall provide to the City the applicant's entire application and provide all such information and submissions so as to provide the City with a complete application for review as required by Section 9 of the MRTMA, MCLA 333.27959. In such case, all provisions of the Act and the Rules promulgated by the Department shall be applicable to the applicant's application, the application's review and the operations of the applicant under any resulting municipal license issued by the City. The City shall have available to it all powers and authority reserved to the State of Michigan and the Department not otherwise applicable to the City had the Department issued the applicant a state license under the Act.

- B. Applications exempt from disclosure. Except as provided by law, all materials submitted to the City of Lapeer as part of an application shall be exempt from disclosure under the Freedom of Information

Act and exempt from disclosure pursuant to Section 9 of the MRTMA, MCLA 333.27959(7).

C. Application review.

- (1) The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
- (2) The City Clerk shall review each application to ensure that it is complete, that the information required by this chapter has been submitted, and that the application fee has been paid. The City Clerk may reject any application that is not complete and may deny an application for failure to pay the full application fee.
- (3) Upon receipt of a completed application meeting the requirements of this chapter and the appropriate license application fee, the City Clerk shall refer a copy of the application to each

of the following for their approval: the Police Chief, the Fire Chief, the Building Inspector, the City Planner, and the City Treasurer.

- (4) No application shall be approved, and no license shall issue, unless:
 - (a) The Police Chief has reviewed the completeness and accuracy of the background information provided by the applicant in the application.
 - (b) The Fire Chief and the Building Inspector have inspected the proposed location for compliance with all applicable laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
 - (c) The City Planner has confirmed that the proposed location complies with the relevant provisions of the City of Lapeer Zoning Ordinance, the zoning requirements of this chapter and any necessary administrative, Planning Commission or Zoning Board of Appeals approvals.
 - (d) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City of Lapeer.
- (5) Licenses shall be approved on a first come first served basis, upon receipt, review and approval of all required application materials and planning/zoning approval.

D. Transfer of licenses.

- (1) A license issued pursuant to this chapter is valid only for the Licensee named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Establishment, identity of the Licensee, and the Stakeholders of the Licensee.
- (2) A Licensee may not transfer the location of an Authorized Establishment for which a license was issued under this Ordinance. In the event a Licensee desires to transfer the location of an Authorized Establishment, the Licensee shall submit an application for the proposed location transfer and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (3) Licenses and/or ownership interests in a Licensee are not transferable except as permitted herein.
 - (a) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license as Stakeholders are permitted only if:
 - i. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - ii. The Department has approved or preapproved the proposed transfer.

- iii. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - iv. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Authorized Establishment(s) are not in violation of any rule, regulation, or Ordinance applicable to the Authorized Establishment(s).
 - v. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
- (b) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license at the time the License was issued or who were not identified on the application for a license as a Stakeholder are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (c) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
- (4) The licensee shall report all proposed material changes to the Department and the City Clerk prior to making such material changes. For purposes of this section, material changes include, but are not limited to, the following:
 - (a) A proposed change in owners, officers, members, or managers of Licensee;
 - (b) A proposed change of location of licensee;
 - (c) The addition or removal of persons named in the application or disclosed; and
 - (d) Any change in Licensee's name, assumed name, or doing business as name;
- (5) A license granted pursuant to this chapter and the Act is a revocable privilege granted by the City and is not a property right. The issuance of a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior City and Department approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.
- E. Term of licenses. Approval of a license shall be for a period of one calendar year, subject to review by the City Clerk upon continued compliance with the regulations of this chapter.
- F. Renewal of licensees.
 - (1) Application for a license renewal shall be made in writing to the City Clerk 30 days prior to the expiration of an existing license.
 - (2) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City Clerk and shall contain substantially all the information required in an initial application.
 - (3) An application for a license renewal shall be accompanied by a renewal fee as set forth in the

City of Lapeer Fee Schedule as approved by the City Commission.

- (4) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to the Police Chief, Fire Chief, Building Inspector and Treasurer.
- (5) No application for a license renewal shall be approved unless:
 - (a) The Fire Chief and the Building Inspector or another relevant department have, within the past calendar year, inspected the location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.
 - (b) The City Planner or another relevant department has confirmed that the location complied with the relevant provisions of the City of Lapeer Zoning Ordinance at the time the license was granted.
 - (c) The licensee possesses the necessary state licenses or approvals, including those issued pursuant to the Act.
 - (d) The licensee has operated the authorized establishment in accordance with the conditions and requirements of this chapter.
 - (e) The licensee is operating the authorized establishment in accordance with the Act.
- (6) If written approval is given by each department or entity identified in this section, the City Clerk shall issue a license renewal to the licensee. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application for renewal.
- (7) Pursuant to the MRTMA, any license issued by the City of Lapeer shall expire one year from the date of its issuance. Failure to submit a completed application for renewal of an existing license along with the required renewal fee to the City Clerk before the license expiration date shall be grounds for the revocation or suspension of a license as set forth in Subsection G next below. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal license has been obtained in accordance with this chapter.
- G. Revocation or suspension of a license. Each authorized establishment within the City of Lapeer for which a license is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this chapter, the City Clerk may, after a notice and hearing, revoke or suspend such license as hereinafter provided.
- H. Procedure for nonrenewal, suspension, or revocation of license. The City Clerk shall notify an applicant or licensee of the reasons for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant or licensee with the opportunity to be heard. Any applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the Lapeer City Commission. Such appeal shall be taken by filing with the City Clerk, within 21 days after notice of the action complained of has been mailed to the applicant or licensee's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The City Clerk shall transmit all written materials received from the applicant or licensee directly to the Lapeer City Commission. The review on appeal of a denial or revocation or adverse action shall be by the Commission pursuant to this chapter. Any decision by the City Commission on an appeal shall be final. The City Clerk and the Lapeer City Commission may engage professional experts to assist with the proceedings under this section.
- I. Criteria for nonrenewal, suspension, or revocation of license. In addition to any other reasons set forth in this chapter, the City may refuse to issue a license or grant renewal of the license or suspend or

revoke the license for any of the following reasons:

- (1) A material violation of any provision of this chapter or other City ordinances.
- (2) Any conviction of a disqualifying felony by the licensee or any stakeholder of the licensee.
- (3) Denial, suspension, revocation or restriction of an applicable license by the State of Michigan.
- (4) Sufficient evidence that the applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this chapter and the rules and regulations governing the MRTMA and the State of Michigan.
- (5) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City.
- (6) The applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a license.
- (7) Operations have ceased at the licensed location for more than 90 days, including during a change of ownership or transfer of license.
- (8) Transfer of the license for any reason without the new owner or transferee having first notified the Department and the City of any material change in owners, officers, members, or managers and having first received from approval by the Department and the City for any such material change as described in the Rules promulgated by the Department in furtherance of the Act.

§ 69-5. Regulations.

- A. License requirements. A license issued to an authorized establishment under this chapter shall be subject to the following conditions:
- (1) Compliance with the requirements of this chapter, other applicable City of Lapeer ordinances and codes, including all applicable zoning ordinances and requirements, building, property maintenance, electrical, plumbing and mechanical codes, fire codes and all other applicable state laws, including, but not limited to, the MRTMA and the Rules promulgated in conjunction therewith.
 - (2) Signs displayed on the exterior and interior of any authorized establishment shall conform to City of Lapeer sign ordinance requirements as well as all other applicable provisions of Article XVII of Chapter 7, the City Zoning Ordinance.
 - (3) No licensee or authorized establishment shall use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors or otherwise advertise in a manner that is inconsistent with the provisions of the Act or Rules of the Department.
 - (4) Operation of an authorized establishment shall not, either directly or indirectly, cause or create any noise, dust, vibration, glare, fumes, or odors constituting a nuisance and also detectable to the human senses of a reasonable person beyond the boundaries of the property on which the facility is operated.
 - (5) A license that is issued under this chapter shall be posted at all times inside the authorized establishment in a conspicuous location and must be visible to the public near the entrance.
 - (6) Consumption of marihuana or alcohol is prohibited at the facility, and a sign shall be posted on the premises indicating that consumption of marihuana or alcohol is prohibited on the premises.
 - (7) There shall be posted in a conspicuous location and visible to the public in each establishment a

legible sign containing the content of this section warning that:

- (a) The possession, use or distribution of marihuana is a violation of federal law;
 - (b) It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
 - (c) No one under the age of 21 years is permitted on the premises or be in possession of marihuana.
- (8) The authorized establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- (9) The facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

B. Sales prohibited during certain hours.

- (1) No licensee, employee, or agent of a licensee shall sell or purchase, by sale, barter, exchange, or otherwise, any item under a license issued pursuant to this chapter from or to any person or entity between the hours of 10:01 p.m. and 8:59 a.m. of the following day.
- (2) No marihuana business shall be open to the public except between the hours of 9:00 a.m. to 10:00 p.m. of the same day, only.

C. Prohibited acts.

- (1) It shall be unlawful:
 - (a) For any licensee or authorized establishment to permit the consumption of marihuana or alcohol beverages on the licensed premises.
 - (b) For any licensee or authorized establishment holding a marihuana retailer license, or for any agent, manager or employee thereof, to:
 - [1] Sell, give, dispense or otherwise distribute marihuana from any outdoor location;
 - [2] Display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment;
 - [3] Sell or display any marihuana accessory targeted to persons under the age of 21 or minors, such as those fashioned as superhero comic book characters, cartoon characters, children's television characters and the like;
 - [4] Sell or display any unsafe marihuana accessories or glass accessories made of non-Pyrex[®] rated glass materials;
 - [5] Manufacture, sell or display any marihuana accessory fashioned to look like guns or other weapons;
 - [6] Manufacture, sell or display any accessory that contains any name, emblem, badge, mark, seal or logo of the City of Lapeer or its departments or a reasonable facsimile thereof.
 - (c) For retail marihuana establishments to distribute marihuana or marihuana-infused products to a consumer free of charge.
 - (d) For any licensee or authorized establishment to permit the consumption of marihuana or marihuana products on the licensed premises.

- (2) In conformance with the Michigan Regulation and Taxation of Marihuana Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by that Act, is prohibited in any public places owned, occupied, or managed by the City of Lapeer.
 - (3) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medicinal purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.
- D. Compliance with state laws. Each licensee and employee must comply with the terms of state laws, including, but not limited to, the MMFLA and the MRTMA, any amendments thereto, as well as any Rules promulgated pursuant to the MMFLA or the MRTMA. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., and all other applicable Rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., or the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.
- E. Compliance with zoning and other ordinances. Every licensee and employee shall comply with all requirements for the business location at which work, pursuant to any license issued under this chapter, occurs as provided in any applicable zoning and other ordinances of the City of Lapeer.
- F. Minors prohibited. No person shall permit any person under the age of 21 years to come upon or remain on the premises of any business licensed herein, except as provided by the MMFLA.

§ 69-6. Penalties and enforcement.

Any person who violates this chapter shall be responsible for a municipal civil infraction and punished by a fine of not more than \$500 pursuant to Section 6 of the MRTMA, MCLA 333.27956. This chapter shall be enforced and administered by the City of Lapeer Police Department, code enforcement officer, city manager and city attorney or such other City of Lapeer official as may be designated from time to time by resolution of the City Commission. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance.

§ 69-7. Repealer.

All ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

§ 69-8. Severability.

In the event that any one or more sections, provisions, phrases or words of this chapter shall be found to be

invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.

§ 69-9. When effective.

This ordinance shall take effect upon publication in a newspaper of general circulation in the City or as otherwise may be required by law and shall be maintained in the office of the City Clerk.

DRAFT

**ORDINANCE AMENDMENTS
MARIHUANA FACILITIES**

SECTIONS 7-6.02, 7-08.02, 7-10.02 & 7-13.12



Memorandum

To: Planning Commission
From: Alex Hritcu AICP, Senior Planning Consultant
Date: November 5, 2024
RE: **November Meeting – Text Amendments to Marihuana Ordinances**

The City Planning Commission is to consider text amendments to the marihuana ordinances (Sections 7-6.02, 7-8.02, 7-10.02 and 7-13.12). Below is a summary of the proposed changes by the City Manager, Planner and Attorney.

1. Clarify prohibition of marihuana stores in the downtown area.
2. Prohibit outdoor storage of marihuana waste.
3. Create a new 1500-foot buffer between marihuana growers and all R-1 zoning district areas.
4. Create new requirement that all marihuana odor control systems must be designed and stamped by a licensed engineer that specializes in odor control.
5. Clarify and strengthen language about property owner's responsibility to control marihuana odor from leaving their property.
6. Prohibit marihuana businesses from opening in the Business and Office Zoning Districts.
7. Prohibit Industrial uses or marihuana uses in the Mixed-Use Overlay Zone.
8. Allow all marihuana uses in the I-2 zoning district and allow marihuana businesses other than growers to operate in an I-1 district (must still meet buffer requirements).
9. Make all marihuana businesses Special Land Uses.

Additionally, due to the legal rights of non-conforming uses, many of these changes will only apply to newly proposed businesses or if an existing business undertakes certain significant changes to their current operations. However, the proposed changes to odor control should make it easier to prosecute any offenders who fail to control any marihuana odor that leaves their property.

**CITY OF LAPEER
NOTICE OF PUBLIC HEARING
PLANNING COMMISSION**

Please take notice that a public hearing has been scheduled before the City of Lapeer Planning Commission on Thursday, November 14, 2024 at 6:30 P.M. in the Lapeer City Hall Commission Chambers, 576 Liberty Park, Lapeer, Michigan to consider a City-initiated request to amend Section 7-6.02, Section 7-08.02, Section 7-10.02, and Section 7-13.12 of the City of Lapeer Zoning Ordinance. These amendments will revise the requirements for Marihuana Facilities in the City of Lapeer.

A copy of the draft language is available at City Hall located at 576 Liberty Park for public review. City Hall is open Monday through Thursday 7:30 am to 5:30 pm.

The City of Lapeer will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the hearing, upon seven (7) days notice to the City of Lapeer. Individuals with disabilities requiring auxiliary aids or services should contact the City of Lapeer by writing or calling the following: City Manager's Office, City of Lapeer, 576 Liberty Park, Lapeer, Michigan 48446 (810) 664-5231. Las personas con conocimientos limitados del inglés traducción en el idioma que requieren asistencia en virtud del Título VI de la Ley de Derechos Civiles de 1964 será proporcionado, a título gratuito, servicios de interpretación a siete (7) días de anticipación a la Ciudad de Lapeer con la redacción de la oficina del Gerente de la ciudad, Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, 48446.

All interested persons are encouraged to attend the public hearing. Written comments will be received until 5:00 p.m. on Thursday, November 14, 2024 and should be addressed to:

Lapeer City Hall
Attn: Planning Commission
576 Liberty Park
Lapeer, Michigan

OFFICIAL
NOTICE



THE CITY OF
LAPEER
MICHIGAN

**CITY OF LAPEER
NOTICE OF PUBLIC HEARING
PLANNING COMMISSION**

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All interested persons are encouraged to attend the public hearing. Written comments will be received until 5:00 p.m. on Thursday, November 14, 2024 and should be addressed to:

Lapeer City Hall
Attn: Planning Commission
576 Liberty Park
Lapeer, Michigan

County
Press

10/30/2024

SECTION 7-6

PROPOSED AMENDED ORDINANCE & EXISTING ORDINANCE

§ 7-6.02. Schedule of uses.

Buildings or land shall not be used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.06.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Residential Uses					
Transitional housing			SLU	SLU	§ 7-13.01D
Animal and Agricultural Uses					
Veterinary facilities and clinics	—	—	P	—	—
Public and Institutional Uses					
Business schools, or private schools, operated for profit	—	—	P	P	—
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	P	P	P	P	§ 7-13.03C
Large-scale places of public assembly and places of worship with a seating capacity of 500 people or more or parking for 250 vehicles or more	—	—	SLU	SLU	§ 7-13.03D

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Municipal buildings and post office	—	P	P	P	—
Private clubs or lodge halls	—	—	P	—	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations	SLU	SLU	P	—	—
Wireless telecommunication tower			SLU	SLU	§ 7-13.10E
Retail Uses					
Dry-cleaning establishments, or pickup stations, dealing directly with the consumer	—	P	P	—	—
Commercial establishments up to 80,000 square feet of gross floor area	—	P	P	P	
Commercial establishments consisting of 1 or more uses and a minimum of 80,000 square feet in total gross floor area	—	—	SLU	P	§ 7-13.04A
Funeral homes and mortuary establishments	SLU	P	P	—	§ 7-13.04D
Greenhouses and plant nurseries	—	—	SLU	—	
Home centers and lumber yards	—	—	SLU	P	§ 7-13.04C
Newspaper offices and printing plants	—	—	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	—	—	P	—	—
Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc), tailor shops, beauty parlors or barber shops, tattoo parlors, day spas, hair salons, photographic studios	P	P	P	—	—
Retail cold storage establishments	—	—	P	—	—
Self-service laundry	—	P	P	—	—
Motor Vehicle Uses					
Automobile car wash, automatic or self-service	—	—	P	—	§ 7-13.05F
Automobile service station for sale of gasoline, oil, and minor accessories only	—	—	SLU	SLU	§ 7-13.05A and B
Minor automobile repair shops	—	—	P	—	§ 7-13.05C
Automobile sales or showroom	—	—	P	—	

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Outdoor sales space for exclusive sale of secondhand automobiles	—	—	SLU	—	§ 7-13.05E
Lodging and Food Service Uses					
Drive-through restaurants	—	—	SLU	SLU	§ 7-13.04B
Bed-and-breakfast	—	—	P	P	—
Motels and hotels	—	—	SLU	SLU	§ 7-13.06A
Standard restaurants, brew pubs and taverns where the patrons are served while seated within the building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store	—	—	P	P	—
Sale and service of food and drink out of doors, provided such use is incidental to a similar principal use indoors and conducted adjacent to said principal use	—	—	P	P	—
Entertainment and Recreation Uses					
Adult entertainment uses	—	—	SLU	—	§ 7-13.07A
Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical video amusement devices or similar activities	—	—	SLU	—	§ 7-13.07B

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Bowling alleys, pool or billiard parlor or clubs, indoor archery and indoor tennis clubs, fitness centers, athletic clubs, and other similar indoor commercial recreation establishments	—	—	P	—	—
Commercial or institutional outdoor recreation facilities, including golf courses, water parks, tennis clubs and similar outdoor recreation establishments	—	—	P	P	§ 7-13.07D
Commercially used outdoor recreational space for children's amusement parks, miniature golf courses	—	—	SLU	—	§ 7-13.07C
Multi-screen movie theaters	—	—	—	SLU	§ 7-13.07E
Theaters when completely enclosed	—	—	P		
Finance, Insurance, Real Estate and Professional Uses					
Banks, credit unions, savings-and-loan association, and similar uses					
Drive-through facilities as an accessory use only	P	P	P	P	§ 7-13.04B
Standalone drive-through ATM facilities	—	—	P	P	§ 7-13.04B

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	P	—	—
Business services such as mailing, copying, data processing and retail office supplies	P	P	P	—	—
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	P	—	—
Health and Human Care and Uses					
Adult day-care centers	SLU	P	P	—	
Ambulance service stations	SLU	—	P	P	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	P	P	—	§ 7-13.09A
Convalescent homes, nursing homes and child-care institutions	P	P	P	—	§ 7-13.09B
Hospices	—	—	P	P	
Hospitals	SLU	—	P	P	§ 7-13.09C
Medical office and clinics	P	P	P	—	—
Transportation and Warehousing Uses					
Bus passenger stations	—	—	P	—	—
Off-street parking lots	P	P	P	—	—
Parking lots and parking structures			P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	—	—	P	—	—
Accessory and Similar Uses					
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-through pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	§ 7-13.04B
Tent sales and sidewalk sales	P	P	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	SLU	SLU	§ 7-13.11
Wireless telecommunication antenna	P	P	P	P	§ 7-13.10D
Other temporary uses	P/SLU	P/SLU	P/SLU	P/SLU	§ 7-13.10C
Shipping containers, temporary			P	P	§ 7-13.10F

Medical and Adult-Use Marihuana Facility and Establishment Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Marihuana provisioning center/ marihuana retailer					Not Permitted
Marihuana safety compliance facility/establishment					Not Permitted
Marihuana grow facility/ marihuana grower					Not Permitted
Other marihuana uses					Not Permitted

Old Ordinance

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-through pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	§ 7-13.04B
Tent sales and sidewalk sales	P	P	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	SLU	SLU	§ 7-13.11
Wireless telecommunication antenna	P	P	P	P	§ 7-13.10D
Other temporary uses	P/SLU	P/SLU	P/SLU	P/SLU	§ 7-13.10C
Shipping containers, temporary			P	P	§ 7-13.10F
Medical Marihuana Facility Uses					
Medical marihuana provisioning center/ marihuana retailer			P	P	§ 7-13.12
Marihuana safety compliance facility/establishment	SLU		SLU		§ 7-13.12
Marihuana secure transporter facility/establishment			SLU	SLU	§ 7-13.12

OLD ORDINANCE

SECTION 7-8

PROPOSED AMENDED ORDINANCE & EXISTING ORDINANCE

§ 7-8.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.08.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Animal and Agricultural Uses			
Commercial kennels	SLU	—	§ 7-13.02A
Public and Institutional Uses			
Public utilities, including buildings, necessary structures, storage yards and other related uses	P	P	—
Trade or industrial schools	P	P	—
Wireless telecommunication tower	P	P	§ 7-13.10E
Motor Vehicle Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Automobile service stations for sale of gasoline, oil and minor accessories when developed in conjunction with convenience market and accessory services such as fast food facilities or automated automobile washes	P	SLU	§ 7-13.05B
Major auto repair shops when completely enclosed	SLU	—	§ 7-13.05D
Finance, Insurance, Real Estate and Professional Uses			
Research and development establishment	P	P	—
Research and office uses related to permitted industrial operations and sales offices	P	P	—
Health and Human Care and Uses			
Ambulance service stations	SLU	—	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	SLU	§ 7-13.09A
Transportation and Warehousing Uses			
Mini-warehouses and storage buildings for lease to the public including the office and residence of a caretaker	P	P	§ 7-13.08D

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies	SLU	SLU	§ 7-13.08A
Warehousing and wholesale establishments when conducted within buildings or within a completely obscured yard area	P	P	—
Warehousing and wholesale establishments, and trucking facilities	P	P	—
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant	SLU	—	—
Junkyards and places for the dismantling, wrecking and disposing of the junk and/or refuse material	SLU	—	§ 7-13.08E

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Warehouse, storage and transfer and electric and gas service buildings and yards, water supply and sewage disposal plants, water and gas tank holders, heating and electric power generating plants, and all necessary related uses	P	P	—
Railroad transfer and storage tracks, railroad rights-of-way and freight terminals	P	P	—
Manufacturing, Testing and Assembly Uses			
Laboratories: experimental, film or testing	P	P	—
Lumber and planing mills when completely enclosed	SLU	SLU	§ 7-13.08F
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris or any other potentially noxious material	SLU	SLU	§ 7-13.08G

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture of musical instruments, toys, novelties, metal or rubber stamps, small molded rubber products, pottery and figurines or other similar ceramic products (using kilns fired only by electricity or gas), electronic instruments and devices, or similar products	P	P	—
Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops	P	P	—
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and similar items	P	P	—
Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances	SLU	SLU	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products that are not injurious to the occupants of adjacent premises by reasons of the emission or creation of noise, vibration, smoke, dust and other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat	P	P	—
Uses permitted in General Business Districts when such uses are for the convenience of persons in the I-1 Industrial District, subject to the regulations applicable to such uses	SLU	—	—
Restaurants			
Restaurants located within a building occupied by another use(s) allowed by this chapter and not including any service of a drive-in or open front store	SLU	SLU	—
Retail Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Construction contractors establishment	P	P	—
Animal crematorium		SLU	§ 7-13.04E
Accessory and Similar Uses			
Outdoor storage, when accessory to a principal use	SLU	SLU	§ 7-13.08B
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	—
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Wireless telecommunications antenna	P	P	§ 7-13.10D
Wireless telecommunications tower	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C
Shipping container temporary	P	P	§ 7-13.10F

Marihuana Facility and Establishment Uses			
Marihuana grow facility/ marihuana grower	—	SLU	§ 7-13.12
Marihuana processor/ processing facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana safety compliance facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana provisioning center/ marihuana retailer	SLU	SLU	§ 7-13.12

Old Ordinance

§ 7-8.02. Schedule of uses. [Amended 2-19-2018; 11-19-2018; 10-5-2020; 7-6-2021; 12-19-2022]

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.08.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Animal and Agricultural Uses			
Commercial kennels	SLU	—	§ 7-13.02A
Public and Institutional Uses			
Public utilities, including buildings, necessary structures, storage yards and other related uses	P	P	—
Trade or industrial schools	P	P	—
Wireless telecommunication tower	P	P	§ 7-13.10E
Motor Vehicle Uses			
Automobile service stations for sale of gasoline, oil and minor accessories when developed in conjunction with convenience market and accessory services such as fast food facilities or automated automobile washes	P	SLU	§ 7-13.05B
Major auto repair shops when completely enclosed	SLU	—	§ 7-13.05D
Finance, Insurance, Real Estate and Professional Uses			

First page

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Wireless telecommunications antenna	P	P	§ 7-13.10D
Wireless telecommunications tower	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C
Shipping container temporary	P	P	§ 7-13.10F
Medical Marihuana Facility Uses			
Medical marihuana grow facility/ marihuana grower	P	P	§ 7-13.12
Marihuana processor/processing facility/establishment	P	P	§ 7-13.12
Marihuana safety compliance facility/establishment	P	P	§ 7-13.12
Marihuana secure transporter facility/establishment	P	P	§ 7-13.12

Old Ordinance

SECTION 7-10

PROPOSED AMENDED ORDINANCE & EXISTING ORDINANCE

§ 7-10.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.10.1 may be used for the purposes denoted by the following abbreviations:

KEY:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses ¹		
Use	MU	Additional Requirements
Uses		
Principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	P	
All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	SLU	
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD-1 zoning districts as a principal use but not allowed in the underlying zoning district	SLU Deleted I-1 as a permitted Use.	____ ^{2, 3}
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD zoning districts as a special land use but not allowed by right in the underlying zoning district	SLU	____ ^{2, 3}

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses ¹		
Use	MU	Additional Requirements
Accessory building and uses, customarily incidental to any of the above permitted uses	P	§ 7-13.11
Industrial Uses	—	Not Permitted
Marihuana provisioning center/ marihuana retailer	—	Not Permitted
Marihuana safety compliance facility/establishment	—	Not Permitted
Other marihuana uses	—	Not Permitted

NOTES:

- 1

More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.
- 2

The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in § 7-10.03 below. Where the use is allowed in more than one district, the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district.
- 3

Uses permitted under note 2 shall also comply with the following:

a.

The Planning Commission may impose conditions on the operation of the proposed use, including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.

b.

In portions of the Mixed-Use District where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.

c.

The Planning Commission

may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

DRAFT

Old Ordinance

§ 7-10.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.10.1 may be used for the purposes denoted by the following abbreviations:

KEY:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses ¹		
Use	MU	Additional Requirements
Uses		
Principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	P	
All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	SLU	
All uses allowed in the R-1, RM, OS-1, B-1, B-2, CBD-1 and I-1 zoning districts as a principal use but not allowed in the underlying zoning district	SLU	____ ^{2, 3}
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD zoning districts as a special land use but not allowed by right in the underlying zoning district	SLU	____ ^{2, 3}
Accessory and Similar Uses		
Accessory building and uses, customarily incidental to any of the above permitted uses	P	§ 7-13.11

Old Ordinance

Old Ordinance

NOTES:

- ¹ More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.
- ² The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in § 7-10.03 below. Where the use is allowed in more than one district, the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district.
- ³ Uses permitted under note 2 shall also comply with the following:
 - a. The Planning Commission may impose conditions on the operation of the proposed use, including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
 - b. In portions of the Mixed-Use District where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
 - c. The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

Old Ordinance

SECTION 7-13

PROPOSED AMENDED ORDINANCE & EXISTING ORDINANCE

§ 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments.

- A. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law are not be permitted by the City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then the City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- B. At the time of application for a permit, the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951; and all other applicable rules promulgated by the State of Michigan.
- C. All facilities and establishments shall provide a security plan in compliance with State of Michigan rules.
- D. The medical marihuana or adult-use use, establishment, or facility must be at all times in compliance with all other applicable state laws and ordinances of the City of Lapeer.
- E. Marihuana, alcohol and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana facility/establishment.
- F. All marihuana facility/establishment activity shall be conducted in a fully enclosed building. The outdoor display, outdoor production, outdoor sales, or outdoor storage of any marihuana, or marihuana product is prohibited. Marihuana waste shall not be stored outdoors except for the minimum time necessary to be picked up by a licensed waste hauler, being no longer than 12 hours. Any waste stored outside shall be made unusable as required by law.
- G. A marihuana facility/establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, are not permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this chapter.
- H. Hours of operation.
 - (1) Hours of operation of provisioning center facilities/marihuana retailers and other marihuana businesses that are open to the public shall be restricted to be between the hours of 9:00 a.m. to 10:00 p.m. of the same day.
- I. Buffer requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this chapter must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas as described below.

- (1) A 1,000-foot buffer is required from all public, parochial and other private schools offering courses in general education and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCLA 333.7410), not including measuring procedures along a public right-of-way.
 - (2) A 500-foot buffer is required from all licensed child-care centers, child day-care centers, nursery schools and child-care institutions. All facilities listed here pertain to child-care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child-care group home and child-care family home licenses. Such facilities, centers and institutions are further defined in Subsection A ("child-care or day-care center") and Subsection B ("child care institution" of the term "child-care facilities") in § 7.24.03 of this chapter.
 - (3) A 500-foot buffer is required from all federal owned, used, or operated property. Such federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and Interstate I-69.
 - (4) A 200-foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
 - (5) A 1500-foot buffer is required between all R-1 Single Family Residentially zoned properties within the City of Lapeer and all Marihuana Grower facilities or establishments.
- J. All buildings and properties used for any licensed or unlicensed marihuana use shall be equipped with an appropriate and effective odor control system, such as an activated carbon filtration system, to ensure that air leaving the building and property first passes through the odor control system. The filtration system must prevent marihuana odor from being detectable to a reasonable person of normal sensitivities outside of the borders of the licensed or unlicensed marihuana property. The filtration system shall be maintained in good working order and shall be in use at all times that marihuana, marihuana products or marihuana waste is physically present within the property. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations. Negative air pressure must be maintained inside the building at all times so that all air and marihuana odor must leave the building through the odor control system. Doors and windows shall remain closed, except for the minimum length of time needed to allow ingress or egress of the building.
- (1) All marihuana odor control systems shall be designed and stamped by a Michigan licensed engineer who specializes in odor control, signifying that in their professional opinion, the odor control system will be effective at controlling the marihuana odor
 - (2) An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by an engineer licensed in the State of Michigan who specializes in odor control, demonstrating that the alternative system will control odor as well or better than the current filtration system currently installed or otherwise required. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted.

- (3) All odor control systems shall be installed and operated in conformity with the licensed engineer's plans and all manufacturer requirements.
- (4) In addition to the requirement that all licensed or unlicensed marihuana uses, buildings,. and properties install and operate a odor control system, all owners, operators and licensees of all licensed or unlicensed marihuana uses, buildings and properties are under a continuing obligation to actually prevent marihuana odors from leaving their property.

§ 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments. ~~[Added 2-19-2018; amended 11-19-2018; 10-5-2020]~~

- A. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law ~~may~~are not be permitted by the City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then the City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- B. At the time of application for a permit, the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951; and all other applicable rules promulgated by the State of Michigan.
- C. ~~Facilities~~All facilities and establishments shall provide a security plan in compliance with ~~the Marihuana Regulatory Agency~~State of Michigan rules.
- D. ~~The~~The medical marihuana or adult-use use, establishment, or facility must be at all times in compliance with all other applicable state laws and ordinances of the City of Lapeer.
- E. Marihuana, alcohol and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana facility/establishment.
- F. All marihuana facility/establishment activity shall be conducted in a fully enclosed building. ~~Outdoor~~The outdoor display, outdoor production, outdoor sales, or outdoor storage of any marihuana, or marihuana product is prohibited. Marihuana waste shall not be allowed stored outdoors except for the minimum time necessary to be picked up by a licensed waste hauler, being no longer than 12 hours. Any waste stored outside shall be made unusable as required by law.
- G. A marihuana facility/establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, ~~may~~are not ~~be~~ permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this chapter.
- H. Hours of operation.
- (1) Hours of operation of provisioning center facilities/marihuana retailers and other marihuana businesses that are open to the public shall be restricted to be between the hours of ~~7:00 a.m. to 11:00 p.m. of the same day.~~
 - (2) ~~Hours of operation of safety compliance facilities/establishments shall be restricted to be between the hours of 7:00 a.m. to 11:00 p.m.~~
 - (3) ~~Hours of operation of secure transport facilities/establishments shall be restricted to be between the hours of 7:00 a.m. to 11:00 p.m.~~
- I. Buffer requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this chapter must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by

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City of Lapeer, MI

the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas [as described below](#).

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- (1) A 1,000-foot buffer is required from all public, parochial and other private schools offering courses in general education; and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCLA 333.7410), not including measuring procedures along a public right-of-way.
- (2) A 500-foot buffer is required from all licensed child-care centers, child day-care centers, nursery schools and child-care institutions. All facilities listed here pertain to child-care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child-care group home and child-care family home licenses. Such facilities, centers and institutions are further defined in Subsection A ("child-care or day-care center") and Subsection B ("child care institution" of the term "child-care facilities") in § 7.24.03 of this chapter.
- (3) A 500-foot buffer is required from all federal owned, used, or operated property. Such federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and Interstate I-69.
- (4) A 200-foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
- (5) Buildings used for growA 1500-foot buffer is required between all R-1 Single Family Residentially zoned properties within the City of Lapeer and all Marihuana Grower facilities, grower, processor facility, safety compliance facility, provisioning center, or establishments.

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- J. All buildings and properties used for any licensed or unlicensed marihuana retailer, and secure transport use shall be equipped with an appropriate and effective odor control system, such as an activated carbon filtration system for odor control, to ensure that air leaving the building through an exhaust vent and property first passes through an activated carbon filter-the odor control system. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent must prevent marihuana odor from being detectable to the volume a reasonable person of normal sensitivities outside of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for borders of the applicable CFM-licensed or unlicensed marihuana property. The filtration system shall be maintained in good working order and shall be in use; at all times that marihuana, marihuana products or marihuana waste is physically present within the property. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations. Negative air pressure shall must be maintained inside the building; at all times so that all air and marihuana odor must leave the building through the odor control system. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress of the building.

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- (1) All marihuana odor control systems shall be designed and stamped by a Michigan licensed engineer who specializes in odor control, signifying that in their professional opinion, the odor control system will be effective at controlling the marihuana odor
- (2) An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by a mechanical an engineer licensed in

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the State of Michigan who specializes in odor control, demonstrating that the alternative system will control odor as well or better than the ~~activated-carbon~~current filtration system currently installed or otherwise required. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted.

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(3) All odor control systems shall be installed and operated in conformity with the licensed engineer's plans and all manufacturer requirements.

(+)(4) In addition to the requirement that all licensed or unlicensed marihuana uses, buildings, and properties install and operate a odor control system, all owners, operators and licensees of all licensed or unlicensed marihuana uses, buildings and properties are under a continuing obligation to actually prevent marihuana odors from leaving their property.

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CITY OF LAPEER
LAPEER COUNTY, MICHIGAN
Ordinance #:2024-09

Zoning Ordinance Amendment (2024-09)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-6.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-6.02. Schedule of uses (Business and Office Districts) is amended to read in its entirety as follows:

§ 7-6.02. Schedule of uses.

Buildings or land shall not be used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.06.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Residential Uses					
Transitional housing			SLU	SLU	§ 7-13.01D
Animal and Agricultural Uses					
Veterinary facilities and clinics	—	—	P	—	—
Public and Institutional Uses					
Business schools, or private schools, operated for profit	—	—	P	P	—
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	P	P	P	P	§ 7-13.03C
Large-scale places of public assembly and places	—	—	SLU	SLU	§ 7-13.03D

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Municipal buildings and post office	—	P	P	P	—
Private clubs or lodge halls	—	—	P	—	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations	SLU	SLU	P	—	—
Wireless telecommunication tower			SLU	SLU	§ 7-13.10E
Retail Uses					
Dry-cleaning establishments, or pickup stations, dealing directly with the consumer	—	P	P	—	—
Commercial establishments up to 80,000 square feet of gross floor area	—	P	P	P	
Commercial establishments consisting of 1 or more uses and a minimum of 80,000 square feet in total gross floor area	—	—	SLU	P	§ 7-13.04A
Funeral homes and mortuary establishments	SLU	P	P	—	§ 7-13.04D
Greenhouses and plant nurseries	—	—	SLU	—	
Home centers and lumber yards	—	—	SLU	P	§ 7-13.04C
Newspaper offices and printing plants	—	—	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	—	—	P	—	—
Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc), tailor shops, beauty parlors or barber shops, tattoo parlors, day spas, hair salons, photographic studios	P	P	P	—	—
Retail cold storage establishments	—	—	P		—
Self-service laundry	—	P	P		—
Motor Vehicle Uses					
Automobile car wash, automatic or self-service	—	—	P	—	§ 7-13.05F
Automobile service station for sale of gasoline, oil, and minor accessories only	—	—	SLU	SLU	§ 7-13.05A and B
Minor automobile repair shops	—	—	P	—	§ 7-13.05C
Automobile sales or showroom	—	—	P	—	

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Outdoor sales space for exclusive sale of secondhand automobiles	—	—	SLU	—	§ 7-13.05E
Lodging and Food Service Uses					
Drive-through restaurants	—	—	SLU	SLU	§ 7-13.04B
Bed-and-breakfast	—	—	P	P	—
Motels and hotels	—	—	SLU	SLU	§ 7-13.06A
Standard restaurants, brew pubs and taverns where the patrons are served while seated within the building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store	—	—	P	P	—
Sale and service of food and drink out of doors, provided such use is incidental to a similar principal use indoors and conducted adjacent to said principal use	—	—	P	P	—
Entertainment and Recreation Uses					
Adult entertainment uses	—	—	SLU	—	§ 7-13.07A
Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical video amusement devices or similar activities	—	—	SLU	—	§ 7-13.07B

Table 7.06.1: Business and Office Districts Schedule of Uses

Use		OS-1	B-1	B-2	B-3	Additional Requirements
Bowling alleys, pool or billiard parlor or clubs, indoor archery and indoor tennis clubs, fitness centers, athletic clubs, and other similar indoor commercial recreation establishments		—	—	P	—	—
Commercial or institutional outdoor recreation facilities, including golf courses, water parks, tennis clubs and similar outdoor recreation establishments		—	—	P	P	§ 7-13.07D
Commercially used outdoor recreational space for children's amusement parks, miniature golf courses		—	—	SLU	—	§ 7-13.07C
Multi-screen movie theaters		—	—	—	SLU	§ 7-13.07E
Theaters when completely enclosed		—	—	P		
Finance, Insurance, Real Estate and Professional Uses						
Banks, credit unions, savings-and-loan association, and similar uses						
	Drive-through facilities as an accessory use only	P	P	P	P	§ 7-13.04B
	Standalone drive-through ATM facilities	—	—	P	P	§ 7-13.04B

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	P	—	—
Business services such as mailing, copying, data processing and retail office supplies	P	P	P	—	—
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	P	—	—
Health and Human Care and Uses					
Adult day-care centers	SLU	P	P	—	
Ambulance service stations	SLU	—	P	P	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	P	P	—	§ 7-13.09A
Convalescent homes, nursing homes and child-care institutions	P	P	P	—	§ 7-13.09B
Hospices	—	—	P	P	
Hospitals	SLU	—	P	P	§ 7-13.09C
Medical office and clinics	P	P	P	—	—
Transportation and Warehousing Uses					
Bus passenger stations	—	—	P	—	—
Off-street parking lots	P	P	P	—	—
Parking lots and parking structures			P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	—	—	P	—	—
Accessory and Similar Uses					
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-through pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	§ 7-13.04B
Tent sales and sidewalk sales	P	P	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	SLU	SLU	§ 7-13.11
Wireless telecommunication antenna	P	P	P	P	§ 7-13.10D
Other temporary uses	P/SLU	P/SLU	P/SLU	P/SLU	§ 7-13.10C
Shipping containers, temporary			P	P	§ 7-13.10F

Medical and Adult-Use Marihuana Facility and Establishment Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Marihuana provisioning center/ marihuana retailer	—	—	—	—	Not Permitted
Marihuana safety compliance facility/establishment	—	—	—	—	Not Permitted
Marihuana grow facility/ marihuana grower	—	—	—	—	Not Permitted
Other marihuana uses	—	—	—	—	Not Permitted

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the _____, 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the _____, 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this _____, 2024.

Romana Sanchez, Clerk
City of Lapeer

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #:2024-10

Zoning Ordinance Amendment (2024-10)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-8.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-8.02. Schedule of uses (Industrial Districts) is amended to read in its entirety as follows:

§ 7-8.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.08.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Animal and Agricultural Uses			
Commercial kennels	SLU	—	§ 7-13.02A
Public and Institutional Uses			
Public utilities, including buildings, necessary structures, storage yards and other related uses	P	P	—
Trade or industrial schools	P	P	—
Wireless telecommunication tower	P	P	§ 7-13.10E
Motor Vehicle Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Automobile service stations for sale of gasoline, oil and minor accessories when developed in conjunction with convenience market and accessory services such as fast food facilities or automated automobile washes	P	SLU	§ 7-13.05B
Major auto repair shops when completely enclosed	SLU	—	§ 7-13.05D
Finance, Insurance, Real Estate and Professional Uses			
Research and development establishment	P	P	—
Research and office uses related to permitted industrial operations and sales offices	P	P	—
Health and Human Care and Uses			
Ambulance service stations	SLU	—	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	SLU	§ 7-13.09A
Transportation and Warehousing Uses			
Mini-warehouses and storage buildings for lease to the public including the office and residence of a caretaker	P	P	§ 7-13.08D

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies	SLU	SLU	§ 7-13.08A
Warehousing and wholesale establishments when conducted within buildings or within a completely obscured yard area	P	P	—
Warehousing and wholesale establishments, and trucking facilities	P	P	—
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant	SLU	—	—
Junkyards and places for the dismantling, wrecking and disposing of the junk and/or refuse material	SLU	—	§ 7-13.08E

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Warehouse, storage and transfer and electric and gas service buildings and yards, water supply and sewage disposal plants, water and gas tank holders, heating and electric power generating plants, and all necessary related uses	P	P	—
Railroad transfer and storage tracks, railroad rights-of-way and freight terminals	P	P	—
Manufacturing, Testing and Assembly Uses			
Laboratories: experimental, film or testing	P	P	—
Lumber and planing mills when completely enclosed	SLU	SLU	§ 7-13.08F
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris or any other potentially noxious material	SLU	SLU	§ 7-13.08G

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture of musical instruments, toys, novelties, metal or rubber stamps, small molded rubber products, pottery and figurines or other similar ceramic products (using kilns fired only by electricity or gas), electronic instruments and devices, or similar products	P	P	—
Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops	P	P	—
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and similar items	P	P	—
Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances	SLU	SLU	—

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products that are not injurious to the occupants of adjacent premises by reasons of the emission or creation of noise, vibration, smoke, dust and other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat	P	P	—
Uses permitted in General Business Districts when such uses are for the convenience of persons in the I-1 Industrial District, subject to the regulations applicable to such uses	SLU	—	—
Restaurants			
Restaurants located within a building occupied by another use(s) allowed by this chapter and not including any service of a drive-in or open front store	SLU	SLU	—
Retail Uses			

Table 7.08.1: Industrial Districts Schedule of Uses

Use	I-1	I-2	Additional Requirements
Construction contractors establishment	P	P	—
Animal crematorium		SLU	§ 7-13.04E
Accessory and Similar Uses			
Outdoor storage, when accessory to a principal use	SLU	SLU	§ 7-13.08B
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	—
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Wireless telecommunications antenna	P	P	§ 7-13.10D
Wireless telecommunications tower	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C
Shipping container temporary	P	P	§ 7-13.10F

Marihuana Facility and Establishment Uses			
Marihuana grow facility/ marihuana grower	—	SLU	§ 7-13.12
Marihuana processor/ processing facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana safety compliance facility/ establishment	SLU	SLU	§ 7-13.12
Marihuana provisioning center/ marihuana retailer	SLU	SLU	§ 7-13.12

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS

COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, Clerk City of Lapeer

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-11

Zoning Ordinance Amendment (2024-11)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-10.02

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-10.02. Schedule of uses (Mixed Use Overlay Districts) is amended to read in its entirety as follows:

§ 7-10.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.10.1 may be used for the purposes denoted by the following abbreviations:

KEY:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of

§ 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses¹

Use	MU	Additional Requirements
Uses		
Principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	P	
All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	SLU	

All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD-1 zoning districts as a principal use but not allowed in the underlying zoning district	SLU	2, 3
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD zoning districts as a special land use but not allowed by right in the underlying zoning district	SLU	2, 3

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses¹

Use	MU	Additional Requirements
Accessory building and uses, customarily incidental to any of the above permitted uses	P	§ 7-13.11
Industrial Uses	—	Not Permitted
Marihuana provisioning center/ marihuana retailer	—	Not Permitted
Marihuana safety compliance facility/establishment	—	Not Permitted
Other marihuana uses	—	Not Permitted

NOTES:

¹ More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.

² The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in § 7-10.03 below. Where the use is allowed in more than one district, the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district.

³ Uses permitted under note 2 shall also comply with the following:

- a. The Planning Commission may impose conditions on the operation of the proposed use, including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
- b. In portions of the Mixed-Use District where residences and offices predominate, any structure proposed for construction or expansion

- shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
- c. The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, Clerk
City of Lapeer

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #:2024-12

Zoning Ordinance Amendment (2024-12)

An ordinance to amend the City of Lapeer Code of Ordinances by amending Sec. 7-13.12

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That § 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments is amended to read in its entirety as follows:

§ 7-13.12. Medical marihuana facilities and adult-use (recreational) marihuana establishments.

- A. Notwithstanding any provision of this Ordinance, any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law are not be permitted by the City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then the City of Lapeer may suspend the acceptance of applications for uses permitted herein and/or suspend processing submitted application pending final resolution of the legal issue in question.
- B. At the time of application for a permit, the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951; and all other applicable rules promulgated by the State of Michigan.
- C. All marihuana facilities and establishments shall provide a security plan in compliance with State of Michigan rules.
- D. The medical marihuana or adult-use use marihuana, establishment or facility must at all times be in compliance with all applicable state laws and ordinances of the City of Lapeer.
- E. Marihuana, alcohol and tobacco products shall not be smoked, ingested, or otherwise consumed inside the building space occupied by a marihuana facility/establishment.
- F. All marihuana facility/establishment activity shall be conducted in a fully enclosed secure building. The outdoor display, outdoor production, outdoor sales, or outdoor storage of any marihuana, or marihuana products is prohibited. Marihuana waste shall not be stored outdoors except for the minimum time necessary to be picked up by a licensed waste hauler, being no longer than 12 hours. Any waste stored outside shall be made unusable as required by law.

- G. A marihuana facility/establishment, or activities associated with the growing, processing, testing, transporting, or sales of marihuana, are not permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this chapter.
- H. Hours of operation.

- (1) Hours of operation of provisioning center facilities, marihuana retailer establishments, and all other marihuana businesses that are open to the public shall be restricted to be between the hours of 9:00 a.m. to 10:00 p.m. of the same day.

Buffer requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this chapter must maintain a defined spacing from an existing use as stated below. Buffer distances shall be measured in a straight line (regardless of building or other obstructions) from the nearest property line of a protected use to the nearest property line of the parcel(s) where the proposed marihuana facility/establishment is to be located including distances that lie outside of the City of Lapeer. The location of property lines shall be determined by the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas as described below.

- (2) A 1,000-foot buffer is required from all preexisting public, parochial and other private schools offering courses in general education and consisting of any grade levels from kindergarten through 12th grade.
 - (3) A 500-foot buffer is required from all preexisting licensed child-care centers, child day-care centers, nursery schools and child-care institutions. All facilities listed herein pertain to child-care facilities that primarily serve children under the age of 18 but excluding those operating out of a private home such as child-care group home and child-care family home licenses. Such facilities, centers and institutions are further defined in Subsection A ("child-care or day-care center") and Subsection B ("child care institution" of the term "child-care facilities") in § 7.24.03 of this chapter.
 - (4) A 500-foot buffer is required from all preexisting federal owned, used, or operated property. Such federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and Interstate I-69.
 - (5) A 200-foot buffer is required from all designated preexisting public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
 - (6) Marihuana grower facilities/establishments must be at least 1500 feet away from all R- 1 Single Family Residentially zoned properties within the City of Lapeer.
- I. All buildings and properties used for any licensed or unlicensed marihuana related use shall be equipped with an appropriate and effective odor control system, such as an activated carbon filtration system, which ensures that air leaving the building and property first passes through the odor control system.

The filtration system shall, at all times, prevent marihuana odor from being detectable to a reasonable person of normal sensitivities beyond the property line of the licensed or unlicensed marihuana property. The filtration system shall be maintained in good working order and shall be in use at all times.. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations, whichever requires more frequent changes. Negative air pressure shall be maintained inside the building at all times so that all air and marihuana odor must pass through the odor control system prior to leaving the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow ingress or egress of the building.

- (1) All marihuana odor control systems shall be designed and stamped by a Michigan licensed engineer who specializes in odor control, signifying that in their professional opinion, the odor control system will be effective at controlling the marihuana odor.
- (2) An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by an engineer licensed in the State of Michigan who specializes in odor control, attesting and demonstrating that the alternative system will control odor as well or better than what is required pursuant to this Ordinance. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted. The applicant shall be responsible for all costs and expenses incurred by the City of Lapeer to evaluate an alternative odor control system requested by an applicant.
- (3) All odor control systems shall be installed and operated in conformity with the licensed engineer's plans and all manufacturer requirements.
- (4) In addition to the requirement that all licensed or unlicensed marihuana uses, buildings,. and properties install and operate an odor control system, all owners, operators, employees, agents and licensees of all licensed or unlicensed marihuana uses, buildings and properties shall have a continuing obligation and duty to actually prevent marihuana odors from being detectable to a reasonable person of normal sensitivities beyond the property line of the property where the marihuana use is located.
- (5) Installation of an odor control system, including an alternative odor control system, approved by this Ordinance or the City of Lapeer is not a warranty or representation by the City of Lapeer that such system will prevent marihuana odor from being detectable to a reasonable person of normal sensitivities beyond the property line as required by this Ordinance.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, Clerk
City of Lapeer

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-13

An ordinance to amend the City of Lapeer Code of Ordinances by amending Chapter 68 Medical Marihuana Facilities, § 68-1 to 68.8

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Chapter 68, Medical Marihuana Facilities is amended to read in its entirety as follows:

§ 68-1. Purpose.

- A. It is the intent of this chapter to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder.
- B. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; the Marihuana Tracking Act, MCLA § 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- C. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana under federal law. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 68-2. Definitions.

For the purposes of this chapter:

- A. Any term defined by the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCLA § 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

GROWER — A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

LICENSEE — A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.

MARIHUANA FACILITY — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.

MARIJUANA or MARIHUANA — That term as defined in the Public Health Code, MCLA § 333.1101 et seq.; the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.; and the Marihuana Tracking Act, MCLA § 333.27901 et seq.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, trust, or other legal entity.

PROCESSOR — A licensee that is a commercial entity located in Michigan 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.

PROVISIONING CENTER — A licensee that is a commercial entity located in Michigan 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. "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 in accordance with the Michigan Medical Marihuana Act, MCLA § 333.26421 et seq., is not a provisioning center for purposes of this article.

SAFETY COMPLIANCE FACILITY — A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

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.

§ 68-3. Authorization of facilities and fee.

- A. The following medical marihuana facilities may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with MCLA § 333.27101 et seq. as may be amended, the rules promulgated thereunder and this chapter:

Facility	Number
Provisioning Center	Six (6) unless increased or decreased by resolution of City Commission.
Grower	Two (2) unless increased or decreased by resolution of City Commission.
Processor	Three (3) unless increased or decreased by resolution of City Commission.
Safety Compliance Facility	Unlimited unless increased or decreased by resolution of City Commission.

Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility of any type may be located within the Central Business Zoning District or Downtown Development District.

- B. If the City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- C. If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- D. The City Clerk shall keep the City Commission informed regarding the status of the marihuana businesses located within the City on a regular basis.
- E. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this chapter in an annual amount of not more than \$5,000 as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.

(1) Should any person, for whatever reason, not receive a license under § 68-4C(1), Application, or § 68-4C(2), Provisional license, 1/2 of the application fee may be returned, provided that no appeal process has occurred.

§ 68-4. Requirements and procedure for issuing license.

- A. No person shall operate a marihuana facility in the City of Lapeer without a valid marihuana facility license issued by the City of Lapeer pursuant to the provisions of this chapter as authorized by the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- B. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Facility, identity of the Licensee, and the owners Licensee. A marihuana facility license and/or ownership interests in a Licensee are not transferable except as permitted herein.

- (1) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license are permitted only if:
 - a. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - b. The Department has approved or preapproved the proposed transfer.
 - c. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - d. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Marihuana Facility is not in violation of any rule, regulation, or Ordinance applicable to such facility.
 - e. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
 - (2) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license the time the license was issued or who were not identified on the application for a license are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
 - (3) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
- C. The City Clerk has broad authority, consistent with the terms of this Ordinance, to establish policies, criteria and forms to implement administrative policies and processes for the application, renewal and reapplication of Licenses under this ordinance. The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
- D. The procedure in processing a request for a marihuana facility license will involve three steps as follows:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. Such application shall include, in addition to all other items set forth in the application itself:
 - [1] A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
 - [2] A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
- (b) Upon the applicant's completion of the application form and furnishing all required information and documentation, the City Clerk shall accept the application. The City Clerk is authorized to develop a policy that outlines the procedure to be used in determining the issuance of the provisional licenses for marihuana facilities. Said policy to be approved by the City Commission.
- (c) The City Clerk's office shall refer the application to the Assessing Department to verify that the proposed site is outside the buffer zones stipulated in Chapter 7, Zoning, and to the Planning Department to verify that the property is located in a zoning district that allows the proposed use. The Assessing Department and the Planning Department shall respond to the City Clerk's office as soon as practicably possible.
- (d) The City Clerk's office shall act to approve or deny an application not later than 20 business days from the date the fully completed application was accepted.
- (e) If approved, the City Clerk's office shall issue the applicant a provisional license.
- (2) Standards for issuance of provisional license. The Clerk shall issue a provisional license under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:
 - (a) The application (including any required attachments and submissions) is complete and signed by the applicant;
 - (b) The applicant has paid the nonrefundable application fee and any other fees required;
 - (c) The application does not contain a material falsehood or misrepresentation;
 - (d) The proposed location of the facility is permitted in the location sought to be approved is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and

(3) Provisional license.

- (a) A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, that the proposed facility is located in a proper zoning district, that the proposed facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
- (b) A provisional license will lapse and be void if such permits and approvals are not diligently pursued as follows:
 - [1] Existing structure with no site changes: 90 days.
 - [2] Existing structure with minimal site changes requiring an administrative zoning review: one year.
 - [3] Proposed construction of a structure requiring site plan review by the Planning Commission: one year.
- (c) After submission of all other permits and approvals required under the provisional license, and payment of the annual nonrefundable fee, the City Clerk's office shall approve or deny the marihuana facility license within 20 business days.

(4) Marihuana facility license. A permit issued pursuant to this chapter does not eliminate the need for the applicant to obtain other required licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a marihuana facility license can be issued under this chapter, all requirements as listed below, including all other applicable provisions within the City of Lapeer's Code, must be met.

- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq.
- (b) Maintaining a valid marihuana facility license by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility license under this chapter and continued operation of any marihuana facility.
- (c) Site plan approval and/or other necessary approved permits per Chapter 7, Zoning, are required before the City Clerk is permitted to issue a license.
- (d) All City of Lapeer departments are required to sign off on their review of the marihuana facility license once approval has been determined. The City of Lapeer Departments and licensed professionals that are part of the review and approval process are as follows:

- [1] Planning Department, Planner/Planning Consultant.
 - [2] Department of Public Works, Director of Public Works.
 - [3] Building Department, Building Official.
 - [4] Assessing Department, Assessor.
 - [5] Fire Department, Fire Chief.
 - [6] Police Department, Police Chief.
 - [7] City Engineering Consultant (site plan reviews only).
- (e) Execute a statement to be initialed by the applicant that the applicant and the employees of the facility(ies) may be subject to prosecution under federal marijuana laws.
 - (f) Execute a statement to be initialed by the applicant that the City of Lapeer accepts no legal liability in connection with the approval and subsequent operation of the facility.
- E. Extension of expiration dates. Extension of an expiration date for those applicants who hold a provisional license with the City of Lapeer due to the delay of issuance of a license at the state level may be considered as follows:
- (1) The applicant may provide a written request to the City for an extension of time prior to the expiration date of a City-approved provisional license when such request for extension is premised on either of the following:
 - (a) A state decision to deny a prequalification application or final application and the applicant is actively appealing such denial as provided under the Act or such other available appellate remedies as allowed by law.
 - (b) State delay of issuance of a license for approval of a prequalification application or final application.
 - (2) The written request shall contain the following:
 - (a) Explanation of the reason(s) for the extension.
 - (b) Whether the applicant has been denied by the state for a prequalification application or final application, and proof the applicant has filed an appeal with the state or as otherwise allowed by law.
 - (3) The City Clerk will review the information provided and make a determination as to the accuracy of the information. After said review, the City Clerk may authorize an extension of the expiration date for up to six months.
 - (4) Upon determination and authorization by the City Clerk for an extension of the expiration date, the City Clerk shall provide the City Commission information relating to the request and length of extension.

§ 68-5. Denial or revocation of license and appeal process.

- A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:
 - (1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this chapter in reference to the operation of a licensed facility;
 - (2) One or more violations of the Medical Marihuana Facilities Licensing Act, MCLA § 333.27101 et seq., or any City ordinance on the premises;
 - (3) Maintenance of a nuisance on the premises, including a failure to control marihuana odor as required by law;
 - (4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City;
 - (5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
 - (6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license within any part of the requirement and procedure for issuing a license.
- B. Revocation. A marihuana facility license may be revoked by the City Clerk based on the following:
 - (1) Violation of the standards for approval in § 68-5A of this chapter.
 - (2) Denial, suspension, revocation or restriction of license by the State of Michigan.
 - (3) A violation of the Act, any state or local regulations, the provisions of this chapter or the provisions of a license.
- (4) Failure to control marihuana odor from exiting the property as required under this ordinance.
- (5) Convictions.
 - (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the applicant or the applicant's managerial employees within the past 10 years or has been convicted of a controlled-substance-related felony within the past 10 years.
 - (b) Conviction of an applicant or an applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last five years.
- (6) Operations have ceased at the facility for more than 90 days, including during a change of ownership of the facility.
- (7) Ownership of the facility has been transferred without the new owner obtaining a marihuana facility license pursuant to this chapter.
- C. Notice of decision. The Clerk shall notify the applicant of the decision to deny an application for or the revocation of a marihuana facility license under the terms and provisions of this chapter within three business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the applicant or license holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.

- D. Appeal process. An applicant or licensee has the right to appeal the Clerk's denial of an application for or the revocation of a marihuana facility license to the Lapeer City Commission.
- (1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Lapeer.
 - (2) Any person whose application or license has been denied or revoked under § 68-5A or 68-5B by the City of Lapeer will have 30 days from the date of the notice to provide a written response and request for appeal to the City of Lapeer.
 - (3) The applicant or licensee shall be provided with not less than 10 days' prior written notice of the appeal hearing to be held by the City Commission.
 - (4) The burden of proof in an appeal filed under this section shall be on the applicant or licensee.
 - (5) If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was correct, the Lapeer City Commission shall uphold the decision of the Clerk. If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the marihuana facility license issued (if it was previously denied) or reinstated (if it was previously revoked).
 - (6) Any decision made by the Lapeer City Commission pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within 30 days of the date of the City Commission decision. The applicant's or licensee's failure to timely appeal the decision is a waiver the applicant's or licensee's right to contest the denial of the application or the revocation of the marihuana facility license.
 - (7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this chapter for one year from the date a denial or revocation became effective.

§ 68-6. License renewal.

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license shall be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Lapeer and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least 30 days prior to the date of its expiration.

§ 68-7. Applicability.

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this chapter.

§ 68-8. Violations and penalties; enforcement.

- A. Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the payment of a civil fine as outlined in Chapter 62, Civil Infractions, of the Code of the City of Lapeer. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this chapter is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Lapeer may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter.
- C. This chapter shall be enforced and administered by the City of Lapeer Police Department, Code Enforcement Officer or Building Official or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, Clerk
City of Lapeer

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-14

An ordinance to amend the City of Lapeer Code of Ordinances by amending Ch 69, Adult Use Marihuana Businesses and Facilities § 69-1 to 69-6.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Chapter 69, Adult Use Marihuana Businesses and Facilities is amended to read in its entirety as follows:

§ 69-1. Purpose.

- A. Recognizing that there is a potential conflict between federal and state law with respect to the operation of adult use marihuana businesses, it is the purpose and intent of this chapter to give effect to the intent of Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. (the "Act"), as approved by the electors. It is the further intent of this chapter to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below, as allowed by the Act.
- B. This chapter is designed to recognize the fundamental intent of the Act to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana in lawful amounts by those adults 21 and over as allowed by the Act; and to regulate around this fundamental intent in a manner that does not conflict with the Act. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000, or such other amount as may be authorized by law or regulation, on each marihuana facility licensee granted by the City of Lapeer under Michigan law and this chapter. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq.
- C. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this chapter; and nothing in this chapter shall be construed to undermine or provide immunity from federal law or state law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.
- D. As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., which makes it unlawful under federal law to manufacture, distribute, or dispense marihuana, or possess marihuana

with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 69-2. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions have been drawn from and are intended to have the same meaning as those terms are ascribed in the Act or its Rules as provided in the Act:

ACT — The Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCLA 333.27951 to 333.27967.

AGENCY — The Marijuana Regulatory Agency.

APPLICANT — A person who applies for a license in the City of Lapeer pursuant to this chapter to operate a marihuana retailer, marihuana grower, marihuana processor, marihuana secure transporter, marihuana safety compliance facility or marihuana microbusiness under this chapter.

- (1) For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:
 - (a) For an individual or sole proprietorship: the proprietor and spouse.
 - (b) For a partnership and limited liability partnership: all partners and their spouses.
 - (c) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - (d) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - (e) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (f) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - (g) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
 - (h) For a nonprofit corporation: all individuals and entities with membership or shareholder

rights in accordance with the articles of incorporation or the bylaws, and their spouses.

(2) For purposes of this definition, an applicant does not include:

- (a) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- (b) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee. Nothing in this chapter shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms "franchise," "franchisor," and "franchisee" shall have the meanings set forth in Section 2 of the Franchise Investment Law, 1974 PA 269, MCLA 445.1502.
- (c) A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
- (d) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property, including, but not limited to, brands and recipes.

AUTHORIZED ESTABLISHMENT — That type of marihuana establishment authorized to be licensed in this ordinance within the City of Lapeer.

BUILDING — A combination of materials forming a structure affording an establishment or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment in the building. A building shall not be construed to mean a building incidental to the use for agricultural purposes of the land on which the building is located.

BUREAU OF FIRE SERVICES or BFS — The Bureau of Fire Services in the Department of Licensing and Regulatory Affairs.

CITY — The City of Lapeer.

CO-LOCATE — To locate or be in jointly or together; to share or designate to share the same place.

COMMON OWNERSHIP — Two or more state licenses or two or more equivalent licenses held by one person.

COMPLETE APPLICATION — An application that includes all the information required as established in this ordinance or by the City Clerk

CULTIVATE — To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

DEPARTMENT — The Michigan Department of Licensing and Regulatory Affairs or its successor agency.

DESIGNATED CONSUMPTION ESTABLISHMENT — A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license as permitted by the Rules and Regulations adopted by the Bureau of Marihuana Regulation (BMR).

EMPLOYEE — A person performing work or service for compensation. An employee does not mean individuals providing trade services who are not normally engaged in the operation of a marihuana establishment.

EQUIVALENT LICENSES — Any of the following held by a single licensee:

- (1) A marihuana grower license, of any class, issued under the Act and a grower license, of any class, issued under the MMFLA.
- (2) A marihuana processor license issued under the Act and a processor license issued under the MMFLA.
- (3) A marihuana retailer license issued under the Act and a provisioning center license issued under the MMFLA.
- (4) A marihuana secure transporter license issued under the Act and a secure transporter license issued under the MMFLA.
- (5) A marihuana safety compliance facility license issued under the Act and a safety compliance facility license issued under the MMFLA.

EXCESS MARIHUANA GROWER — A license issued to a person holding five Class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

LICENSEE — A person holding a state license under the Act or a person holding a municipal license granted by the City of Lapeer, or both.

MARIHUANA or MARIJUANA — All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this chapter, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) Industrial hemp; or
- (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA ACCESSORIES — Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use of planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

MARIHUANA ESTABLISHMENT — A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed to operate by the Agency under the Act.

MARIHUANA EVENT ORGANIZER — A person licensed to apply for a temporary marihuana event license under these rules.

MARIHUANA GROWER — A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA MICROBUSINESS — A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER — A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA FACILITIES LICENSING ACT or MMFLA — 2016 PA 281, MCLA 333.27101 to 333.27801, which allows for the licensing of medical marihuana facilities.

MUNICIPAL or CITY LICENSE — A license issued by a municipality pursuant to Section 16 of the Act that allows a person to operate a marihuana establishment in that municipality where the Department has failed to timely accept or process an application under the Act.

MUNICIPALITY — The City of Lapeer.

PERSON — An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PROPOSED MARIHUANA ESTABLISHMENT — A location at which an applicant plans to operate a marihuana establishment under the Act and this chapter if the applicant is issued a license.

STAKEHOLDER — The officers, directors, and managerial employees of an applicant and any persons who hold any direct or indirect ownership interest in the applicant.

STATE LICENSE — A license issued by the Department that allows a person to operate a marihuana establishment.

TEMPORARY MARIHUANA EVENT LICENSE — A state license held by a marihuana event organizer for an event where the on-site sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

- B. To the extent that any terms defined herein are not consistent with the definitions of those same terms under the Act, or any Rules promulgated in furtherance of the Act, then those terms as defined in the Act and Rules shall be the controlling definition.

§ 69-3. Licensing and appeals.

- A. License required. It shall be unlawful for any person to operate a marihuana facility or a marihuana establishment in the City of Lapeer without a valid license for such marihuana facility or a marihuana establishment issued by the City Clerk in accordance with the provisions of this chapter.
- B. Authorization of marihuana establishment licenses; licensing and administrative fees.
 - (1) Type of authorized license.

- (a) Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the following adult use business licenses may be authorized to operate in the City of Lapeer by the holder of a state operating license, subject to compliance with the Act, as may be amended, the Rules promulgated thereunder, and this chapter:

License Type	Number
Marihuana Retailer	Six (6) unless increased or decreased by resolution of City Commission.
Marihuana Grower (Class A, B or C)	Eight (8) unless increased or decreased by resolution of the City Commission.
Marihuana Processor	Five (5) unless increased or decreased by resolution of the City Commission
Marihuana Safety Compliance Facility	Unlimited unless increased or decreased by resolution of the City Commission

- (b) If the City Commission reduces, by resolution, the number of licenses available under this Ordinance to a number less than the number of valid licenses issued at the time, such shall not be construed to limit, restrict or prohibit existing Licensees right to request renewal of existing Licenses.
- (c) If a license that was issued under this Ordinance is terminated, lapses, vacated, abandoned, revoked, not renewed, or is returned to the City for any reason, such license(s) are not available to be applied for or reissued until/unless the City of Lapeer City Commission adopts a resolution seeking applicants for the same.
- (d) A marihuana retailer is an authorized establishment under this chapter and Section 6 of the MRTMA, MCLA 333.27956, but only at a location where a medical marihuana provisioning center license has also been approved (co-located). Any operation of the medical marijuana provisioning center, a marijuana retailer, or combination of the two, shall comply with all zoning and regulatory conditions of the original licensure and site plan approval for the licensed location.
- (e) Although the maximum number of each type of marihuana facility permitted in the City of Lapeer is established above, no marihuana facility or a marihuana establishment of any type may be located within the Downtown Development Authority District or Central Business Zoning District.
- (2) No other licenses authorized. Pursuant to Section 6 of the MRTMA, MCLA 333.27956, the City shall not authorize any licenses not listed above in subpart (a). The City specifically prohibits the opening or operation of marihuana microbusiness, designated consumption establishments, marihuana event organizers or temporary marihuana events in the City.
- (3) Application, licensing and administrative fees.
- (a) The city clerk has broad authority, consistent with the terms of this ordinance and the Act, to implement administrative policies and processes for the application and reapplication of licenses under this ordinance.
- (b) The city clerk will establish written policies, criteria, processes, and forms for the application and reapplication for a license under this ordinance.

- (c) Pursuant to Section 6 of the MRTMA, an application for a license shall be accompanied by a nonrefundable application fee to help defray administrative and enforcement costs associated with the operation of the proposed authorized establishment, which shall be in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested.
- (d) Additionally, for each year in which an applicant has submitted an application for license renewal, a nonrefundable fee shall be paid by each applicant for such renewal, including upon an application for renewal of any license issued pursuant to this chapter, in the amount as listed in the City of Lapeer Fee Schedule as approved by the City Commission, per license requested to defray application, administrative, and enforcement costs associated with the renewal application review and operation of those types of marihuana establishments authorized within the City of Lapeer.

§ 69-4. License applications.

A. Applications required.

- (1) Application from applicant that has applied and received state license prequalification. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3 and who has submitted and received license prequalification from the State of Michigan pursuant to Section 9 of the MRTMA, MCLA 333.27959, shall file a license application with the City Clerk upon a form provided by the City. The application shall include the following information:
 - (a) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.
 - (b) If the applicant is an entity, the entity's articles of incorporation or organizational documents.
 - (c) If the applicant is an entity, the entity's employer identification number.
 - (d) If the applicant is an entity, the entity's operating agreement or bylaws.
 - (e) A proposed marketing, advertising, and business promotion plan for the proposed authorized establishment.
 - (f) A description of planned tangible capital investment in the City of Lapeer.
 - (g) An explanation of the economic benefits to the City of Lapeer and job creation to be achieved, including the number and type of jobs the authorized establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the authorized establishment.
 - (h) A description of the financial structure and financing for the proposed authorized establishment.
 - (i) Short-term and long-term business goals and objectives for the proposed authorized establishment.
 - (j) A criminal background report on the applicant's criminal history. Such reports shall be

obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report, and the report must be dated within 30 days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions, whether identified in the applicant's or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.

- (k) A description of the security plan for the proposed authorized establishment that is consistent with the requirements of the Department.
 - (l) A floor plan of the proposed authorized establishment.
 - (m) A scale diagram illustrating the property upon which the proposed authorized establishment is to be operated, including all available parking spaces, and specifying which parking spaces are handicapped-accessible.
 - (n) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed authorized establishment.
 - (o) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City of Lapeer.
 - (p) A statement by the applicant that the applicant has submitted a valid application for an authorized establishment license under this chapter, that the proposed authorized establishment is located in a proper zoning district, that the proposed authorized establishment is not located in a required buffer zone, and that the applicant understands, acknowledges and agrees that the applicant cannot and shall not locate or operate a proposed authorized establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.
 - (q) A complete disclosure of the applicant's and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.
- (2) Application from applicant for a municipal license upon Department's failure to timely accept or process applicant's state application, pursuant to Section 16 of the MRTMA, MCLA 333.27966. Any person seeking to operate an authorized marihuana establishment as provided in § 69-3B and who has submitted an application for licensure to the Department, but the Department has failed to timely accept or process the applicant's application as required by Section 16 of the MRTMA, MCLA 333.27966, then the applicant shall provide to the City the applicant's entire application and provide all such information and submissions so as to provide the City with a complete application for review as required by Section 9 of the MRTMA, MCLA 333.27959. In such case, all provisions of the Act and the Rules promulgated by the Department shall be applicable to the applicant's application, the application's review and the operations of the applicant under any resulting municipal license issued by the City. The City shall have available to it all powers and authority reserved to the State of Michigan and the Department not otherwise applicable to the City had the Department issued the applicant a state license under the Act.
- B. Applications exempt from disclosure. Except as provided by law, all materials submitted to the City of Lapeer as part of an application shall be exempt from disclosure under the Freedom of Information

Act and exempt from disclosure pursuant to Section 9 of the MRTMA, MCLA 333.27959(7).

C. Application review.

- (1) The City Clerk may only accept applications for licenses issued under this Ordinance if directed to do so by the City of Lapeer City Commission. Applications received outside of any application window approved by the City of Lapeer City Commission shall be returned.
- (2) The City Clerk shall review each application to ensure that it is complete, that the information required by this chapter has been submitted, and that the application fee has been paid. The City Clerk may reject any application that is not complete and may deny an application for failure to pay the full application fee.
- (3) Upon receipt of a completed application meeting the requirements of this chapter and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the Police Chief, the Fire Chief, the Building Inspector, the City Planner, and the City Treasurer.
- (4) No application shall be approved, and no license shall issue, unless:
 - (a) The Police Chief has reviewed the completeness and accuracy of the background information provided by the applicant in the application.
 - (b) The Fire Chief and the Building Inspector have inspected the proposed location for compliance with all applicable laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
 - (c) The City Planner has confirmed that the proposed location complies with the relevant provisions of the City of Lapeer Zoning Ordinance, the zoning requirements of this chapter and any necessary administrative, Planning Commission or Zoning Board of Appeals approvals.
 - (d) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City of Lapeer.
- (5) Licenses shall be approved on a first come first served basis, upon receipt, review and approval of all required application materials and planning/zoning approval.

D. Transfer of licenses.

- (1) A license issued pursuant to this chapter is valid only for the Licensee named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. Licenses issued pursuant to this Ordinance are issued based, in part, upon the location of the proposed Marihuana Establishment, identity of the Licensee, and the Stakeholders of the Licensee.
- (2) A Licensee may not transfer the location of an Authorized Establishment for which a license was issued under this Ordinance. In the event a Licensee desires to transfer the location of an Authorized Establishment, the Licensee shall submit an application for the proposed location transfer and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (3) Licenses and/or ownership interests in a Licensee are not transferable except as permitted

herein.

- (a) The transfer, sale, gift, assignment or other conveyance of any ownership interest in a Licensee and/or a license which are solely amongst persons or entities who had an ownership interest in the Licensee or Licensee at the time the License was issued and who were identified on the application for a license as Stakeholders are permitted only if:
 - i. The Licensee provides the City Clerk at least thirty days advanced written notice of the proposed transfer which: (1) details the full ownership structure of Licensee prior to and after the proposed transfer; (2) contains a signed affirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer that they have not been charged with or convicted of any criminal offenses since the License was issued; (3) contains a signed reaffirmation from all persons that will have an ownership interest in the Licensee after the proposed transfer and from Licensee that Licensee will comply with all provisions of the City Ordinance, including the City Zoning Ordinance; and (4) contains such other information as the City requests.
 - ii. The Department has approved or preapproved the proposed transfer.
 - iii. The City Clerk verifies the Licensee is not in default with respect to any obligations with respect to City.
 - iv. The City Clerk verifies with City Administration, the City Police Department, the City Building Department, and the City Fire Department that Licensee's Authorized Establishment(s) are not in violation of any rule, regulation, or Ordinance applicable to the Authorized Establishment(s).
 - v. The City Clerk determines the Licensee has complied with this subsection and issues a written approval of the proposed transfer to the Licensee.
- (b) The transfer, sale, gift, assignment or other conveyance of any ownership in a Licensee and/or a license which, in whole or part, are amongst persons or entities who did not have an ownership interest in the Licensee or the license at the time the License was issued or who were not identified on the application for a license as a Stakeholder are not permitted unless approved by the City Commission. In such case, the Licensee shall apply for the proposed transfer, sale, gift, assignment or other conveyance and the same will be subject to the same application, review, and approval process applicable to Applicants for a new license under this Ordinance.
- (c) Any transfer, sale, gift, assignment or other conveyance permitted in a Licensee or license under this section shall be only for the remainder of the unexpired annual license term. The term of the license shall not be affected.
- (4) The licensee shall report all proposed material changes to the Department and the City Clerk prior to making such material changes. For purposes of this section., material changes include, but are not limited to, the following:
 - (a) A proposed change in owners, officers, members, or managers of Licensee;

- (b) A proposed change of location of licensee;
 - (c) The addition or removal of persons named in the application or disclosed; and
 - (d) Any change in Licensee's name, assumed name, or doing business as name;
- (5) A license granted pursuant to this chapter and the Act is a revocable privilege granted by the City and is not a property right. The issuance of a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior City and Department approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.
- E. Term of licenses. Approval of a license shall be for a period of one calendar year, subject to review by the City Clerk upon continued compliance with the regulations of this chapter.
- F. Renewal of licensees.
- (1) Application for a license renewal shall be made in writing to the City Clerk 30 days prior to the expiration of an existing license.
 - (2) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City Clerk and shall contain substantially all the information required in an initial application.
 - (3) An application for a license renewal shall be accompanied by a renewal fee as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
 - (4) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to the Police Chief, Fire Chief, Building Inspector and Treasurer.
 - (5) No application for a license renewal shall be approved unless:
 - (a) The Fire Chief and the Building Inspector or another relevant department have, within the past calendar year, inspected the location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.
 - (b) The City Planner or another relevant department has confirmed that the location complied with the relevant provisions of the City of Lapeer Zoning Ordinance at the time the license was granted.
 - (c) The licensee possesses the necessary state licenses or approvals, including those issued pursuant to the Act.
 - (d) The licensee has operated the authorized establishment in accordance with the conditions and requirements of this chapter.
 - (e) The licensee is operating the authorized establishment in accordance with the Act.

- (6) If written approval is given by each department or entity identified in this section, the City Clerk shall issue a license renewal to the licensee. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application for renewal.
 - (7) Pursuant to the MRTMA, any license issued by the City of Lapeer shall expire one year from the date of its issuance. Failure to submit a completed application for renewal of an existing license along with the required renewal fee to the City Clerk before the license expiration date shall be grounds for the revocation or suspension of a license as set forth in Subsection G next below. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal license has been obtained in accordance with this chapter.
- G. Revocation or suspension of a license. Each authorized establishment within the City of Lapeer for which a license is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this chapter, the City Clerk may, after a notice and hearing, revoke or suspend such license as hereinafter provided.
- H. Procedure for nonrenewal, suspension, or revocation of license. The City Clerk shall notify an applicant or licensee of the reasons for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant or licensee with the opportunity to be heard. Any applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the Lapeer City Commission. Such appeal shall be taken by filing with the City Clerk, within 21 days after notice of the action complained of has been mailed to the applicant or licensee's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The City Clerk shall transmit all written materials received from the applicant or licensee directly to the Lapeer City Commission. The review on appeal of a denial or revocation or adverse action shall be by the Commission pursuant to this chapter. Any decision by the City Commission on an appeal shall be final. The City Clerk and the Lapeer City Commission may engage professional experts to assist with the proceedings under this section.
- I. Criteria for nonrenewal, suspension, or revocation of license. In addition to any other reasons set forth in this chapter, the City may refuse to issue a license or grant renewal of the license or suspend or revoke the license for any of the following reasons:
 - (1) A material violation of any provision of this chapter or other City ordinances.
 - (2) Any conviction of a disqualifying felony by the licensee or any stakeholder of the licensee.
 - (3) Denial, suspension, revocation or restriction of an applicable license by the State of Michigan.
 - (4) Sufficient evidence that the applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this chapter and the rules and regulations governing the MRTMA and the State of Michigan.
 - (5) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City.
 - (6) The applicant has made or provided false information in the application or has otherwise

become disqualified for the issuance of a license.

- (7) Operations have ceased at the licensed location for more than 90 days, including during a change of ownership or transfer of license.
- (8) Transfer of the license for any reason without the new owner or transferee having first notified the Department and the City of any material change in owners, officers, members, or managers and having first received from approval by the Department and the City for any such material change as described in the Rules promulgated by the Department in furtherance of the Act.

§ 69-5. Regulations.

- A. License requirements. A license issued to an authorized establishment under this chapter shall be subject to the following conditions:
 - (1) Compliance with the requirements of this chapter, other applicable City of Lapeer ordinances and codes, including all applicable zoning ordinances and requirements, building, property maintenance, electrical, plumbing and mechanical codes, fire codes and all other applicable state laws, including, but not limited to, the MRTMA and the Rules promulgated in conjunction therewith.
 - (2) Signs displayed on the exterior and interior of any authorized establishment shall conform to City of Lapeer sign ordinance requirements as well as all other applicable provisions of Article XVII of Chapter 7, the City Zoning Ordinance.
 - (3) No licensee or authorized establishment shall use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors or otherwise advertise in a manner that is inconsistent with the provisions of the Act or Rules of the Department.
 - (4) Operation of an authorized establishment shall not, either directly or indirectly, cause or create any noise, dust, vibration, glare, fumes, or odors constituting a nuisance and also detectable to the human senses of a reasonable person beyond the boundaries of the property on which the facility is operated.
 - (5) A license that is issued under this chapter shall be posted at all times inside the authorized establishment in a conspicuous location and must be visible to the public near the entrance.
 - (6) Consumption of marihuana or alcohol is prohibited at the facility, and a sign shall be posted on the premises indicating that consumption of marihuana or alcohol is prohibited on the premises.
 - (7) There shall be posted in a conspicuous location and visible to the public in each establishment a legible sign containing the content of this section warning that:
 - (a) The possession, use or distribution of marihuana is a violation of federal law;
 - (b) It is illegal under state law to drive a motor vehicle or to operate machinery when under

the influence of, or impaired by, marihuana; and

- (c) No one under the age of 21 years is permitted on the premises or be in possession of marihuana.
- (8) The authorized establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- (9) The facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- B. Sales prohibited during certain hours.
 - (1) No licensee, employee, or agent of a licensee shall sell or purchase, by sale, barter, exchange, or otherwise, any item under a license issued pursuant to this chapter from or to any person or entity between the hours of 10:01 p.m. and 8:59 a.m. of the following day.
 - (2) No marihuana business shall be open to the public except between the hours of 9:00 a.m. to 10:00 p.m. of the same day, only.
- C. Prohibited acts.
 - (1) It shall be unlawful:
 - (a) For any licensee or authorized establishment to permit the consumption of m a r i h u a n a or alcohol beverages on the licensed premises.
 - (b) For any licensee or authorized establishment holding a marihuana retailer license, or for any agent, manager or employee thereof, to:
 - [1] Sell, give, dispense or otherwise distribute marihuana from any outdoor location;
 - [2] Display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment;
 - [3] Sell or display any marihuana accessory targeted to persons under the age of 21 or minors, such as those fashioned as superhero comic book characters, cartoon characters, children's television characters and the like;
 - [4] Sell or display any unsafe marihuana accessories or glass accessories made of non- Pyrex[®] rated glass materials;
 - [5] Manufacture, sell or display any marihuana accessory fashioned to look like guns or other weapons;
 - [6] Manufacture, sell or display any accessory that contains any name, emblem, badge, mark, seal or logo of the City of Lapeer or its departments or a reasonable facsimile thereof.
 - (c) For retail marihuana establishments to distribute marihuana or marihuana-infused products to a consumer free of charge.
 - (2) For any licensee or authorized establishment to permit the consumption of marihuana or marihuana products on the licensed premises. In conformance with the Michigan Regulation and Taxation of Marihuana Act, the sale or consumption of marihuana in any

form and the sale or display of marihuana accessories, as defined by that Act, is prohibited in any public places owned, occupied, or managed by the City of Lapeer.

- (3) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medicinal purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.
- D. Compliance with state laws. Each licensee and employee must comply with the terms of state laws, including, but not limited to, the MMFLA and the MRTMA, any amendments thereto, as well as any Rules promulgated pursuant to the MMFLA or the MRTMA. Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., and all other applicable Rules promulgated by the State of Michigan. This chapter permits authorizations for activity based on the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951 et seq., or the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.
- E. Compliance with zoning and other ordinances. Every licensee and employee shall comply with all requirements for the business location at which work, pursuant to any license issued under this chapter, occurs as provided in any applicable zoning and other ordinances of the City of Lapeer.
- F. Minors prohibited. No person shall permit any person under the age of 21 years to come upon or remain on the premises of any business licensed herein, except as provided by the MMFLA.

§ 69-6. Penalties and enforcement.

Any person who violates this chapter shall be responsible for a municipal civil infraction and punished by a fine of not more than \$500 pursuant to Section 6 of the MRTMA, MCLA 333.27956. This chapter shall be enforced and administered by the City of Lapeer Police Department, code enforcement officer, city manager and city attorney or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance.

ARTICLE IV. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE V. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE VI. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, Clerk
City of Lapeer



ITEM J-1

To: Mayor and City Commission
Date: November 13, 2024
RE: Boards & Commissions Appointments

MAYORAL APPOINTMENT

BOARD OR COMMISSION	MEMBER NAME	CURRENT TERM EXPIRES	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
County Center Board	Vacancy	Jan 1, 2025	1 Year		
Downtown Development Authority	Vacancy	Jan 1, 2025	4 Year		
EDC/TIFA/Brownfield	Vacancy	Mar 1, 2025	6 Year		
Planning Commission	Vacancy Vacancy	Aug 1, 2027 Aug 1, 2027	3 Year 3 Year		

COMMISSION APPOINTMENTS

BOARD OR COMMISSION	MEMBER NAME	EXPIRATION	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
Board of Review	Vacancy	Jan 1, 2026	3 Year		
Prison Liaison Committee	Vacancy	Apr 1, 2025	3 Year		
Zoning Board of Appeals	Vacancy – Alternate	Apr 1, 2027	3 Year		

The following residents have applied to a Board or Commission:

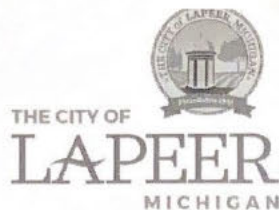
<u>Board/Commission:</u>	<u>Name:</u>	<u>Date Submitted:</u>
Planning Commission	Audrey Brady	August 12, 2024
Planning Commission	Mackey White	August 16, 2024
Planning Commission	Jannice Ferdon	August 20, 2024
EDC/TIFA/Brownfield	Jannice Ferdon	August 20, 2024

AGENDA ITEM REVIEW

Meeting Date: November 18, 2024

Date Reviewed: November 18, 2024

Reviewed By: City Clerk's Office



Application for Boards and/or Commissions

Please complete, sign and date the application and return to:
City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446

810-664-5231

Email: clerk@ci.lapeer.mi.us

☐ Accuracy Board	☐ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
☐ Board of Review	☐ Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	☐ Local Development Finance Authority
☐ Cemetery Board	☐ Greater Lapeer Transportation Authority	☐ Local Officers Compensation Commission
☐ Center for the Arts of Greater Lapeer	☐ Income Tax Board of Review	☐ Park Board
☐ Construction Board of Review	☐ Lapeer Building Authority	☒ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I like to consider the big-picture plan in every situation and thoughtfully make decisions that support the overall strategy or mission of a group. I have experience working with various teams of people at local churches to accomplish desired outcomes and events. I will bring thoughtfulness and thoroughness to the planning commission.

Applicant Information:

Print Name: Audrey Brady
(First) (Last)

Street Address: West Genesee Street

Home Phone: [REDACTED] Cell Phone: [REDACTED]

Email: [REDACTED]@gmail.com

Employer: Lapeer Community Schools Occupation: Virtual Partnership Classroom Mentor

Educational Background: Associates Degree in Applied Science: Interior Design from Baker College

Community Activities and/or Work Experience: Lapeer Community Church Student Ministries
Faith Christian Family Church Children's Ministry
Chaffield School Teacher Assistant Sub
Beautiful U Salon + Spa Reception Manager

Signature: Audrey Brady

Date: 8-11-24

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



RECEIVED

Application for Boards and/or Commissions

Please complete, sign and date the application and return to:

AUG 16 2024

City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446

810-664-5231

CITY MANAGER
LAPEER, MI

Email: clerk@ci.lapeer.mi.us

☐ Accuracy Board	☐ Downtown Development Authority	☐ Lapeer Neighborhoods, Inc.
☐ Board of Review	☐ Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	☐ Local Development Finance Authority
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☐ Construction Board of Review	☐ Lapeer Building Authority	☒ Planning Commission
☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I believe it is right and necessary for citizens of a community to sacrifice and take responsibility for the welfare of that community. As a resident of the City of Lapeer, I want to give my time and effort to help keep this place great. I know the Planning Commission has an opening and that it is an important part of our city government. With my training in philosophy, theology, and teaching, I am able to study, learn, and understand the City's Master Plan and Zoning Ordinances which will allow me to be a successful commissioner. My training in the Marines, likewise, has prepared me for working in a team, as well as using tact to engage with people of different personalities and temperaments. Altogether, I will be able to contribute to the success of the Planning Commission and to the success of the City of Lapeer.

Applicant Information:

Print Name:

Mackey

(First)

White

(Last)

Street Address: [REDACTED] N. Calhoun St. Lapeer

Home Phone: [REDACTED]

Cell Phone: [REDACTED]

Email: [REDACTED]@gmail.com

Employer: Powers Catholic High School

Occupation: Teacher

Educational Background:

Bachelor's Degree in Philosophy & Theology

Community Activities and/or Work Experience:

*Knights of Columbus Fundraisers

*United States Marine Corps

*Support the Downtown

*Teacher

*Immaculate Conception Church

*Participant in City events & activities

Signature

Date

8/16/24

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



Application for Boards and/or Commissions

Please complete, sign and date the application and return to:
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☐ County Center Board	☐ Lapeer Housing Commission	☐ Zoning Board of Appeals
☐ District Library Board	☐ Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

I am a strategic, creative, compliance-focused, integrity-driven Human Resource Generalist and leader of three in collaborative planning and execution of strategic business initiatives and the implementation of new and approved processes. I welcome the challenge of problem-solving and working through obstacles that hinder progress. I am an advocate for the employee and employer, I am energized by coaching and mentoring all professional levels for organizational excellence.

Applicant Information:

Print Name: Jannice Feldon
(First) (Last)

Street Address: Lincoln St Lapeer

Home Phone: [REDACTED]

Cell Phone: [REDACTED]

Email: [REDACTED]@yahoo.com

Employer: Hutchinson Corporation

Occupation: HR Generalist

Educational Background: Certification - American Society of Employees Human Resource Generalist. 10 years Human Resource experience

Community Activities and/or Work Experience: Volunteer for Habitat for Humanity 3 yrs

Leader and First Responder of the Safety & Sustainability Committee

Certified CPR/AED First Aid including Stop the Bleed

Member of Faith Christian Family Church

Signature

Date

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



ITEM K-1

To: Mayor and City Commission
Date: November 13, 2024
RE: MONTHLY OPERATIONAL REPORTS

CITY DEPARTMENTS:

- 1. BUILDING DEPARTMENT**
- 2. FINANCIAL SERVICES DEPARTMENT**
 - A. ASSESSING DIVISION
 - B. INCOME TAX DIVISION
 - C. ACCOUNTING/DATA PROCESSING DIVISION
- 3. FIRE AND RESCUE DEPARTMENT**
- 4. HOUSING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT**
 - A. LAPEER HOUSING COMMISSION (LHC)
 - B. LAPEER NEIGHBORHOOD'S INC. (LNI)
 - C. COMMUNITY DEVELOPMENT
- 5. PLANNING DEPARTMENT**
 - A. DEVELOPMENT ACTIVITIES
- 6. POLICE DEPARTMENT**
 - A. POLICE
 - B. ORDINANCE ENFORCEMENT
 - C. PARKING DIVISION
- 7. PUBLIC WORKS DEPARTMENT**
 - A. SEWER UTILITY DIVISION
 - B. STREET DIVISION
 - C. WATER DIVISION
 - D. WASTEWATER DIVISION
- 8. MARIJUANA MONTHLY REPORT**

AGENDA ITEM REVIEW

Meeting Date: November 18, 2024

Date Reviewed: November 13, 2024

Reviewed By: City Clerk's Office



Item K-1-2-A

To: Mike Womack, City Manager
C.C. City Board of Commissioners
From: Denise Marinelli, Assessor
Date: November 7, 2024
RE: Monthly Departmental Report

ASSESSING DEPARTMENT CONCENTRATION:

- Property Transfers are processed and are currently up to date. Deeds and Property Transfer Affidavits have been processed through October.
- Current Deed breakdown:

Deeds	September	Vacant land	New Construction	Prior Month
Transfers	10		1	16
Non-Transfers	08			10
Forcl/Redmptn	0			0
Total	01			26

- The current concentration for the Assessing Department is the determining 2025 land values, 20% Review and Building Permit Construction Review, end of the year Permit Inspections, and preparation for the annual Personal Property canvass.
- The State Tax Commission approved the 2024 Inflation Rate Multiplier to be used for 2025. The inflation rate multiplier of 1.031 is to be used in the capped value formula and Headlee Millage Reduction Fraction required by MCL 211.34D. The capped value formula uses 1.031 because the calculated inflation multiplier of 1.031 is lower than 1.05. An inflation rate multiplier of 1.05 has been used in the capped value formula for the 2 previous years.
- We currently have one Michigan Tax Tribunal Small Claims case for the 2024 tax year.
- The Assessing Department has received training for the Pivot Point program and are now ready to implement in the field.
- The department continues to investigate, correct, and update property description discrepancies, omissions, errors, and changes. We assist departments, property owners, realtors and appraisers with questions and concerns as well as processing address and lot split requests.



Item # K-1-2-B

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: November 5, 2024
RE: Income Tax Monthly Report for October 2024

CITY OF LAPEER
Monthly Financial Statement
Income Tax Department
October 2024

Fiscal Year	Net Monthly Income	Net Total Yr-to-date	Original Budget for year	Current Budget for year	Actual Total for year	Excess (Deficit) Revenue
2014/15	\$315,423	\$1,058,369	\$2,590,000	\$2,590,000	\$2,953,553	\$363,553
2015/16	\$280,759	\$1,021,231	\$2,785,000	\$2,785,000	\$3,069,571	\$284,571
2016/17	\$484,052	\$1,222,247	\$3,065,000	\$3,065,000	\$3,212,298	\$147,298
2017/18	\$415,975	\$1,243,043	\$3,165,000	\$3,165,000	\$3,349,223	\$184,223
2018/19	\$421,935	\$1,230,990	\$3,175,000	\$3,175,000	\$3,520,679	\$345,679
2019/20	\$301,897	\$1,113,711	\$3,265,000	\$3,265,000	\$3,881,826	\$616,826
2020/21	\$262,763	\$1,092,862	\$3,495,000	\$3,495,000	\$3,783,095	\$288,095
2021/22	\$325,075	\$1,317,167	\$3,476,000	\$3,476,000	\$4,527,734	\$1,051,734
2022/23	\$374,977	\$1,381,455	\$4,090,000	\$4,140,076	\$4,984,764	\$844,688
2023/24	\$739,997	\$1,758,258	\$4,833,000	\$4,833,000	\$5,145,549	\$312,549
2024/25	\$473,912	\$1,468,323	\$5,428,000	\$5,428,000		

Original Budget and Current Year Budget columns for FYE 2013- 2023 adjusted to include budgeted p&l & prosecution



Item # K-1-2-C

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: November 12, 2024
RE: Finance Department Report for October 2024

- 1) 171 – accounts payable checks were issued.
- 2) 327 - payroll payments were issued (there were 3 pays in August).
- 3) 90 - income tax refund checks were issued.
- 4) Records were reviewed with those needing information on burial location. There were five (5) graves purchased (all non-resident) and four (4) foundations purchased (for a total of \$972.80).
- 5) Thirty-five (35) summer 2024 property tax bills were receipted for \$48,908.87; two (2) delinquent 2023 personal property tax bills were receipted for \$992.14; and three (3) delinquent 2020 personal property tax bills were receipted for \$75.00.
- 6) There were 79 additions and 105 cancellations received regarding the voter registration records.



ITEM K-1-3

To: Mike Womack, City Manager
From: Mike Vogt, Fire Chief
Date: November 5, 2024
RE: October 2024

MONTH SUMMARIZED:

Training: The department conducted a total of six training sessions (3 days/3 nights). A total of 132.0 personnel-hours were spent on training during the month.

Community Risk Reduction: The department participated in 12 events during the month. The events took place in the City of Lapeer, Mayfield Township, and Lapeer Township. These events included approximately 3944 children and 1541 adults. Department personnel assisted with traffic during the Homecoming Parade and one lucky child came in to be a firefighter for the day.

Fire & Life Safety: 21 annual inspections, 22 re-inspections, four other types of inspections, and four site visits were completed in the city, with 41 violations being identified. There were six businesses inspected that were without any fire code violations. One fire alarm plan, one tenant space plan and one fire suppression plan were reviewed for the Building Department for the month of October.

Responses: The department responded to a total of 52 incidents during the month, requiring a total of 311.5 personnel-hours. This is 18 more responses than we had for the same period in 2023. 38% of these responses occurred Monday-Friday between the hours of 6:00 am and 6:00 pm. The estimated dollar loss for the month was \$202,600, bringing the estimated annual loss for the year to \$1,661,366. The losses for the month resulted from an outbuilding fire in the City of Lapeer, a residential building fire in Mayfield Township and a lawn mower fire in Lapeer Township.

The number of responses for the month by municipality was: City of Lapeer-25, Lapeer Twp-10, Mayfield Twp-9, Oregon Twp-5, Automatic/Mutual Aid-3.

The average emergency response time (in minutes) to each municipality was: City of Lapeer-12.0, Lapeer Twp-0.0, Mayfield Twp-13.0, Oregon Twp-0.0.

The calendar year's annual percentage of responses by municipality is: City of Lapeer-55.14%, Lapeer Twp-12.62%, Mayfield Twp-18.22%, Oregon Twp-7.48%, Assists-6.54%.

The number of burn permits issued for the month by the municipality was: Lapeer Twp-75, Mayfield Twp-37, Oregon Twp-62.

The breakdown of responses by type is as follows:

Fire Alarm-Malicious	2	Fire Alarm-Unintentional	8
Fire Alarm-Malfunction	3	Fire Alarm-Residential	2
Building Fire-Residential	1	Building Fire-Commercial	0
Building Fire-Other	1	Vehicle Fire	0
Grass/Brush Fire	0	Rescue	0
Good Intent	6	Electrical Related	3
Smoke Investigation	3	Gasoline/Diesel Spill/Leak	0
Natural Gas/Propane Leak	4	Carbon Monoxide (alarm & actual)	2
Other Type Fires	4	Other Type Response	10
Assist to Other Agencies	3	Washdown	0

City of Lapeer Activities Calendar

City of Lapeer Fire & Rescue						
October 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Incident 24-377 Incident 24-378	2 Incident 24-379 Incident 24-380	3	4 Incident 24-381	5
6 Incident 24-382 Incident 24-383 Incident 24-384	7 Incident 24-385	8 Safety Mtg.	9	10 Fire Pres.-Noahs Ark	11	12 Incident 24-386 Fantasy Forest
13 Incident 24-387 Incident 24-388 Incident 24-389	14 Incident 24-390 Training	15 Incident 24-391 Incident 24-392	16 Incident 24-393 Incident 24-394 Fire Pres.-Great Start Dept. & Officers Mtg	17 Incident 24-395 Haunted Halls-Turrill	18 Incident 24-396 Homecoming Parade	19 Incident 24-397 Incident 24-398 Trunk/Treat-Woodside
20 Incident 24-399 Incident 24-400	21 Incident 24-401 Incident 24-402 Incident 24-403 Training Fire Pres.-Lynch	22 Incident 24-404 Trunk/Treat-Walmart	23 Incident 24-405 FF For The Day	24 Incident 24-406 Incident 24-407 Incident 24-408 Trunk/Treat-LCSD	25 Incident 24-409 Incident 24-410 Incident 24-411	26 Incident 24-412 Incident 24-413 Treat Walk-Downtown
27 Trunk/Treat-VFW	28 Incident 24-414 Incident 24-415 Incident 24-416 Incident 24-417 Incident 24-418 Incident 24-419 Incident 24-420 Incident 24-421 Incident 24-422 Incident 24-423 Incident 24-424 Incident 24-425 Training	29 Incident 24-426 Incident 24-427 Incident 24-428 Career Day-Lynch	30 Trunk/Treat-St. Pauls	31		
		Notes Incidents (Monthly Total - 52) Training Public Events Meetings/Department Work New Hiring Process Public Assistance				



Dept: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: November 21st, 2024
RE: October 9th, 2024 – November 12th, 2024
copy: Lapeer Housing Commission/Lapeer Riverview Towers, LLC

LAPEER HOUSING COMMISSION (LHC)/LAPEER RIVERVIEW TOWERS, LLC (LRT)

A. RIVERVIEW TOWERS: HUD PROJECT BASED VOUCHER (PBV)

1. As of November 7, Riverview Towers has one vacant unit which is expected to be filled on or before 12/1/2024.
2. The Riverview waitlist contains a sufficient supply of applicants to fill future vacant units.
3. ***Ms. Soldenski would like approval from the board to make an expenditure for Holiday 2024/Tenant Appreciation/Marketing in the amount of \$850.***

B. HOUSING CHOICE VOUCHER PROGRAM (HCV)

1. As of November 7, 93 vouchers are under contract.
2. Pulling applicants from the waitlist will continue as funding allows to fill vacant vouchers.

C. ADMINISTRATION

1. **Attachment #1** Lapeer Housing Commission/Lapeer Riverview Towers, LLC financials.
2. ***Ms. Soldenski would like approval from the board on several Housing Choice Voucher Administrative Policy updates as a result of the HOTMA Voucher final rule to be effective 11/21/24.*** This section of HOTMA does not include the income and asset portions, sections 102-104; however, they are general updates that were included in the overall HOTMA Voucher regulation. Here is a list of the updates to be included in the motion:
 - A. Emergency, life-threatening, 24 hour fail items – update to use the NSPIRE list even under HQS per PIH Notice 2024-26 Rev. 1
 - B. Many updated Definitions per 24 CFR 982.4
 - C. Utility allowance schedules to include “applicable surcharges” per 24 CFR 982.517 (b) (ii).
 - D. Manufactured Home Space Rental updates per 24 CFR 982.623(a-d)
 - E. Several updates for HQS Inspection types, timelines, HAP abatement, and voucher timelines while in abatement. 24 CFR 982.404-406 & 24 CFR 5.705. These items will apply with NSPIRE as well.
 - F. Potential for HAP Contract Execution past 60 days with HUD approval. 24 CFR 982.305 (c)(4).
 - G. PHA description of which HAP contracts to terminate first in the event of insufficient funding.
 - H. Several other various required Administrative Plan updates per 24 CFR 982.54.
3. ***Ms. Soldenski would like review and approval of two (2) attached Resolutions, LHC #185-2024 and LRT #15-2024, pertaining to the Housing Manager position.***
4. The single audit for the LHC/LRT for FYE 6/30/2024 got off to a later start due to some emergencies with the auditing firm, Anderson, Tackman & Company, PLC. ***Ms.***

Soldenski expects that the audit should be ready for review and approval for this November or the upcoming December meeting.

5. The brick tuckpointing project began on Oct. 28th and finalized on Oct. 30th. The final cost based on the approved bid which included \$10/ft for window caulking, where necessary, was \$19,300. The contractors stated that the exterior of the building is in very good condition and recommended that we evaluate the caulk and window lintels again in 5-6 years.
6. HUD released the Final Rule of the Housing Opportunity Through Modernization Act (HOTMA) of 2016, Sections 102, 103 and 104 on February 14th, 2023. This rule provides for income and asset changes that will affect the HCV and PBV programs. HUD released PIH Notice 2023-27 which provides implementation guidance. *On 4/24/24 HUD released PIH Notice 2024-12 that covers "Housing Information Portal (HIP) Implementation"; however, that notice was officially rescinded by HUD on 7/3/24 with further guidance pending.* LHC must be on-boarded to the new HUD HIP prior to implementing HOTMA. Prior to full implementation, staff training and tenant/landlord notifications must take place. *LHC HCV Admin Plan has been modified for HOTMA Sections 102 & 104; yet cannot be approved for use until HIP implementation is completed. HUD released a notice on 9/18/24 that PHAs will NOT be required to be compliant with HOTMA Sections 102 & 104 by 1/1/2025 except for the Earned Income Disregard provision due to HIP not being ready.*
7. HUD has changed the process/standard for Housing Quality Standard Inspections (HQS) to National Standards for the Physical Inspection of Real Estate (NSPIRE). The new standard is an inspection model that is now common across the various HUD programs. HUD has issued PIH Notice 2023-28 for implementation guidance and administrative procedures for HCV/PBV. *On 6/14/24, HUD announced that they have delayed the mandatory conversion to NSPIRE until October 1st, 2025 due to the burden on PHAs with so many other HUD changes in progress. The LHC will need to use a HUD NSPIRE cell phone application which has not yet been released. HUD has initiated many "office hours" and webinars through the end of 2024 in preparation for NSPIRE compliance deadline of 10/1/2025.*
8. HUD is moving forward with a more clear proposed rule for Affirmatively Furthering Fair Housing. HUD's intent is to "affirmatively further fair housing by creating strong, sustainable, inclusive communities and quality affordable housing for all." More information to come as this proposed rule approaches final rule.
9. HUD has been releasing updated chapters in the "Housing Choice Voucher Program Guidebook". As the chapters are released, Ms. Soldenski reviews, updates and requests approval for our HCV Administrative Plan, if necessary. *There are no updates to the Guidebook this month that affect policy.*



To: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: November 21st, 2024
RE: October 9th, 2024 – November 12th, 2024
copy: Lapeer Neighborhoods Inc.

A. HOUSING IMPROVEMENT DEPARTMENT (HID) - See attachment #2 for project photos.

1. **MSHDA MI-HOPE Grant:** Ms. Lincoln is working on gathering bids and additional documents to start the process for each applicant.
 - a. **Project 3 – Dewey St. – Homeowner** – Project in process.
 - b. **Project 6 – Hartley St. – Homeowner** – Project in process.
 - c. **Project 7 – Park Way – Homeowner** - Roof and Insulation – Project in process.
 - d. **Project 9 – N. Main St. – Homeowner** - Windows, Appliances and HVAC – One bid has been received. Awaiting second bid to determine project components.
 - e. **Project 10 – First St. – Rental** – Insulation, Doors and Windows – Project in process.
 - f. **Project 11 – 2nd St. – Homeowner** - Windows/Doors – Project in process.
 - g. **Project 12 – N. Monroe St. – Rental** - Roof/Windows/Doors/Insulation – Application in review.
 - h. **Project 13 – Jefferson St. – Homeowner** – Doors, HVAC, Insulation, Electrical and Appliances – Awaiting one more bid.
2. **MSHDA MI Neighborhood**
 - a. **MI-Neighborhood Grant 2024:** – Grant agreements have been signed and project outlines are being discussed for a Spring 2025 start.
 - b. **MI-Neighborhood Grant 2025 application:** The grant application has been submitted to MSHDA with a request for \$200,000 for homeowner rehabilitation funds. Application determination is expected to take 30-60 days.
3. **MSHDA Housing Choice Vouchers / Section 8**
 - a. Lapeer County's voucher allocation is 342 regular Housing Choice Vouchers, 6 Project Based Vouchers, 15 Emergency Housing Vouchers for a total in Lapeer County of 363. Tuscola County allocation is 88 Housing Choice Vouchers, 5 Project Based Vouchers, and 3 Emergency Housing Vouchers for a total in Tuscola County of 96. Huron County allocation is a total of 47 Housing Choice Vouchers, and 1 Emergency Housing Vouchers for a total of 48. Our total VASH allocation remains at 35, Moving Up is 3, and Balance of State is 1. MSHDA has discontinued reporting the allowable over-allocation of 4% maximum. The total allocation is 507.
 - b. Current lease up rate is at 99.40%, as MSHDA is waiving lease up for everything except the PBV while waitlist pulls are on hold currently.
 - c. Due to budget constraints from HUD, MSHDA will not be releasing any new vouchers for the foreseeable future. They have closed HCV waitlists effective July 1st, 2024 including Homeless waitlists and will not be recertifying applicants currently on the

homeless waitlists. This budget issue does not affect the Project Based Voucher, VASH or Stability Voucher programs. Any client in need of housing will be referred to the local Housing Assessment and Resource Agency (HARA), Human Development Commission, for assistance. MSHDA will notify as soon as waitlists can again be populated.

- d. MSHDA has extended the City of Lapeer's 2022-2023 HCV Administration Contract a second time for calendar year 2025. The City Commission approved this extension along with the contract staff contracts for 2025 at the Nov. 4th, 2024 City Commission meeting.

B. LAPEER NEIGHBORHOODS INCORPORATED (LNI)

1. Projects –

- a. 405 S. Elm: Vacant: Board has decided to hold on to this property for a future new build. Continuing to search for potential grant funds.

C. FINANCE

- 1. Attachment #1: Financial report. ***FYE 12/31/2023 Financials.***

D. ADMINISTRATION

- 1. ***Ms. Soldenski would like review and approval of the FYE 12/31/2023 Financials.***

TO: Lapeer City Planning Commission
FROM: Planning Department
DATE: November 5, 2024
RE: **November 2024 Development Activities Report**



This report summarizes activity on various development projects in the City over the past month listed by full site plans for developments reviewed and approved by the Planning Commission and administratively reviewed site plans for projects currently in the review and development process.

Site Plans Reviewed by Planning Commission

1. Lapeer County Animal Control Addition – 2396 W. Genesee St.

General Information – Construction of a 3,265 sq. ft. addition to the existing 3,500 sq. ft. Animal Control facility owned and operated by Lapeer County.

Project Status – The site plans were received on September 3, 2024. Staff comments were provided to the applicant on Sept. 17, 2024. Revised plans were received Sept. 26, 2024. The site plan was approved with conditions by the Planning Commission on October 10, 2024. City staff is currently waiting on submittal of revised plans.

2. Lapeer Cultivation (#3) – John Conley Dr. Parcel #L20-83-358-030-00

General Information – Construction of a new 11,480 sq. ft. marihuana grow facility.

Project Status – The site plans were received on August 29, 2024. The site plan was approved with conditions by the Planning Commission on September 12, 2024. City staff is currently waiting on submittal of revised plans.

3. Urgent Design Addition – 3123 John Conley Dr.

General Information – Construction of a 70,514 sq. ft. addition to the existing 55,866 sq. ft. industrial facility.

Project Status – The site plans were received on July 1 and August 5, 2024 and approved with conditions at the August 8, 2024 Planning Commission meeting. City is waiting on revised plans.

4. Farley Commercial Building – DeMille Blvd.

General Information – Construction of a new 5,000 sq. ft. commercial building on the north side of DeMille Blvd. The previous plan submittal in February 2021 has expired and the project is now being re-submitted for a full review.

Project Status – The 2nd full review submission of the site plan was received on June 28, 2024 and revised plans were received on July 25, 2024. The site plan was approved at the August 8, 2024 Planning Commission meeting with the condition of receiving confirmation whether a permit is required from the Lapeer County Drain Commission.

5. Tommy's Express Car Wash – 1068 S. Main Street

General Information – Construction of a new automatic car wash with vacuum stations with related site improvements.

Project Status – The 2nd full review submission of the site plan was received on May 31, 2024 and revised plans were received on June 24, 2024. Site plan was approved with conditions at the July 11, 2024 Planning Commission meeting and the applicant is working on the required easement, EGLE Permit and Wakkott Road paving agreement.

6. EL Cozumel Restaurant – 1109 S. Main Street

General Information – Construction of new 5,692 sq. ft. restaurant and related site improvements.

Project Status – The site plan was submitted on October 31, 2023 and conditionally approved at the December 14, 2023 Planning Commission meeting. Site plan submission #3 was received on May 3, 2024. Submission #4 received on July 29, 2024 are ready for approval pending receipt of MDOT Permit and recorded easements.

7. DTE Energy – Apollo Substation – 3135 John Conley Dr. South

General Information – Construction of a new electrical substation and control building.

Project Status – The site plan was submitted on October 27, 2023 and approved with conditions at the January 11, 2024 Planning Commission meeting. On February 26, 2024 the ZBA approved a variance to allow a gravel drive and vehicle maneuvering area and revised plans were received March 14, 2024. Revised plans received April 12, 2024 were approved, signed and distributed on April 26, 2024. Building permits have been approved and are ready to be issued.

8. Security Credit Union – 1073 S. Main St.

General Information – Construction of a 3,438 sq. ft. credit union facility with 4 drive through lanes.

Project Status – The site plan was submitted on August 31, 2023. Revised plans were submitted on September 27, 2023 and approved with conditions by the Planning Commission on October 12, 2023. Revised plans were submitted on January 12 and April 1, 2024. Revised plans received April 10, 2024 were approved, signed and distributed April 26, 2024. Construction is underway.

9. Carriage Hill Circle – New Multiple-Family Residential Units

General Information – Construction of a new phased multiple-family residential development consisting of 32 units on Carriage Hills Circle.

Project Status – The site plan was submitted on April 3, 2023 and revised plans were received on April 26th, June 9th, July 21st. The Planning Commission approved the site plan with conditions on August 10, 2023. Revised plans were received on Aug. 31st & Oct. 19th 2023. The site plan was approved on Oct. 19, 2023 and final signed plans were distributed Oct. 31, 2023. The applicant indicated final building plans would be submitted in Spring 2024. A one-year site plan approval extension until Aug. 10, 2025 was approved by the Planning Commission on July 11, 2024.

10. Sunoco Station – 715 S. Main St.

General Information – Construction of a 2,135 sq. ft. addition to the existing Sunoco Gas Station.

Project Status – The site plan was submitted on April 3, 2023 and conditionally approved on July 13, 2023. Final plans were approved on September 14, 2023. A one-year site plan approval extension until July 13, 2025 was approved by the Planning Commission on July 11, 2024. Building Department has issued permits and construction is underway.

11. Lapeer Villas – Baldwin Rd. – Site Plan Amendment

General Information – Construction of 147 Multiple-Family units on a vacant parcel on the north side of Baldwin Road. An amendment to the previous plan was approved to convert some of apartment building (5, 6 & 7) garage spaces into apartments and construct a club house with pool.

Project Status – The site plan was originally submitted and approved in 2019. An amended site plan was received July 26, 2022 and approved on August 11, 2022. Construction of the clubhouse and pool is planned for future Phases (3 and 4). The applicant's request for a waiver from landscaping buffer requirements to not construct a perimeter privacy fence was denied at the November 2023 Planning Commission meeting. The City requested final as-built site plan prior to building plan review given the number of changes to the site with various phases and minor changes to exterior improvements. The applicant submitted a revised performance bond to the Planning Department for remaining work items, a Final C of O has been issued for Buildings #1-4 and temporary occupancy has been issued for buildings 5, 6 and 7. The property owner's request for a variance to the fencing requirement on the west side of the property was denied by the ZBA on October 22, 2024. Applicant has been directed to submit current site topography information in order to determine areas of sufficient existing berm height and areas where fencing is required.

12. Woodchips Mixed Use Building #2 – Vacant Lot - 480 W. Nepessing St.

General Information – Construction of a new three-story mixed-use building on the vacant lot with commercial and restaurant uses on the 1st floor and apartments on the 2nd and 3rd floors.

Project Status – Site plans originally received in May 3, 2022 and contingently approved on June 9, 2022 have expired. A new site plan submittal was received on June 12, 2024 and approved with conditions at the July 11, 2024 Planning Commission meeting. Planning Department is waiting for final approved and recorded easements. Building Department has reviewed and approved the building plans and is waiting on permit application submittals from the General Contractor.

13. Beasley – Building Remodel and Parking Lot Improvements – 891 Baldwin Rd

General Information – Construction of a rear parking lot area, with landscaping, and building exterior remodeling to an existing building for a professional office.

Project Status – The site plan was received on November 18, 2021 and received contingent approval by the Planning Commission on January 13, 2022. Final approved plans were distributed November 29, 2022. The Zoning Board of Appeals approved a variance for exterior materials on April 24, 2023. Building permit was issued in June 2023 and construction is underway.

14. Popeye's – Drive-Through Facilities – 1040 S. Lapeer Rd.

General Information – Construction of two new buildings (a 2,143 sq. ft. building to the north and a 2,529 sq. ft. to the south) for drive-through facilities and shared parking.

Project Status – The site plan for Phase 1 was received on November 1, 2021. Special land use was approved December 9, 2021 and the site plan received contingent approval on January 13, 2022. MDOT required changes to the access drive location on M-24. A site plan extension was approved until January 13, 2024. Revised plans were received on March 24, June 14 and August 9 and September 27, 2023. Recorded Easement agreements have been received and EGLE permits have been issued. Final site plans were approved on February 21, 2024. Signed plans were distributed March 13, 2024. Demolition of the existing structures has been completed. New building permit applications have been submitted by a new general contractor.

15. Woodbridge Park II – North and West of existing Woodbridge Park Development

General Information - Construction of 58 additional attached conventional condominium units north and west of the existing Woodbridge Park development. Individual condo units will be constructed in two, three and four unit attached structures.

Project Status - The site plan was approved by the Planning Commission on January 10, 2019. Revised site plans were received on June 7, 2019 and approved by staff on June 14, 2019. The required performance bond was submitted on March 3, 2020 and final approved/signed were distributed March 4, 2020. Permits were renewed in June 2023. Construction is underway.

Administrative Review Site Plans in Process

None at this time.

Projects on Hold:

HTF Hydraulic Tubes & Fittings – 524 McCormick St.

General Information – Construction of a 3,645 sq. ft. building addition and resurfacing of the existing parking lot at the existing site.

Project Status – The site plan was received on Sept. 29, 2020. Site plans were approved on Nov. 10, 2020. The Building Department has revoked their Temporary Certificate of Occupancy. The City is waiting for construction to be completed in accordance with the approved site plan.



MEMORANDUM

CITY OF LAPEER POLICE DEPARTMENT

TO: Mike Womack, City Manager

FROM: Jeremy Howe, Chief of Police

DATE: 11/06/24

RE: Monthly Report; October 1 – October 31, 2024

In the month of October 2024, our Police Department Officers responded to 867 calls for service. Of these 867 calls for service, 138 or approximately 16% were criminal activity reports, of which 58 required submissions to the Michigan Incident Crime Reporting System (MICRS). Our officers made 28 arrests in October, 7 felony crimes and 21 misdemeanor crimes, with 2 arrests for operating under the influence of alcohol or drugs.

This month our officers made 167 traffic stops, issued 36 citations, and gave 131 verbal warnings. Officers also handled 48 vehicle crashes. With 9 of those crashes resulting in injuries.

Code enforcement for October resulted in 57 total complaints. Of those complaints 27 were related to signage, 15 for weed and grass, 6 for blight and the remaining were for numerous violations.

Officers from the department attended 164 hours of advanced training which included rental Communities Crime Prevention, Emergency Vehicle Operations, REID Interview and Interrogation, Excel 1&2, mandatory Department Shoot, Accreditation Manager Training, Critical Incidents and Media Relations and Grant Writing Workshop.

During the month of October, the total amount of overtime hours was 175. The majority of those hours coming from holiday, special event details, after school functions (games), investigations and court. There were many school events such as football games, parades and events related to Halloween. Halloween night went great with a large turn out and very few issues.

The carport project is moving along fairly smoothly. The groundwork has all been completed and is ready for the steel to arrive. The steel fabrication takes about 30 days to complete, and I am hopeful that it will be completed by early December. Other CIPs are moving along as well, and I look forward to discussing it with the commission in the near future.

Have a Happy Thanksgiving!

ITEM K-1-6

Lapeer City Police Department			
Monthly Report			
OCTOBER 2024			
	<u>Current</u>	<u>Calendar Year</u>	<u>Previous Year</u>
	<u>Month</u>	<u>To Date</u>	<u>To Date</u>
Complaints Received and Investigated	867	8519	9469
District Court Fines Received	\$ 1,265.22	\$ 11,946.66	\$ 12,159.84
OUIL-Cost of Prosecution	\$ 375.00	\$ 3,895.00	\$ 4,125.00
Charges for Copies of Police Reports	\$ 154.36	\$ 1,582.40	\$ 2,513.00
<u>ACCIDENTS:</u>			
Fatal	0	0	2
Property Damage	26	260	244
Private Property Damage	13	169	180
Personal Injury	9	43	55
<u>ARRESTS:</u>			
Misdemeanor	21	176	156
Felony	7	90	51
<u>HEROIN/OVERDOSE INCIDENTS:</u>			
Heroin Possession/Usage	0	1	2
Overdose	0	0	7
Overdose Deaths	0	0	0

CITY MANAGER REVIEW

Meeting Date: 11/18/2024

Date of Review:

Completed by Mike Womack, City Manager



Interoffice Memo

ITEM K-1-7

To: Mike Womack, City Manager
From: Jeff Graham, Director of Public Works
Date: November 7, 2024
RE: Public Works Monthly Report – October 2024

Department of Public Works Division Summary:

Water/Sewer Utilities Division and Streets Division:

In October the DPW has been winterizing fire hydrants. We replaced a few lead services line throughout the city that we found through further Hydro investigation.

Other tasks completed in this month include but are not limited to the following items:

- The Annual leaf pickup started.
- Pour concrete curbs and sidewalks from lead line replacements.
- Road closure for Oregon St. patch paving.
- Stump grinding throughout the city.
- Cut trees at the Cemetery.
- Cut asphalt for patch work.
- Jetted backed up hospital sewer line.
- Mill and paving for parking lot 5.
- Installed salters in trucks.
- Hydro vac service lines.
- Blocked off doors at old Lapeer Grain building.

Training and Safety:

Edmond Tomkinson, Jered Laur, Dustin Johnson and Ross Slusher attended MRWA water math classes and power point.

Water/Sewer/ Streets Monthly Routine Task included:

- Water Samples: Bacteria samples, Water Quality testing of distribution system
- Operate Wells and well house maintenance.
- Meter Reading and Meter Repair
- Miss Dig Staking
- Routine water samples (backup water supply)
- Rotation of PRV's in GLWA LA-02 Meter pit

- Barricade placement Downtown.
- Dump maintenance, haul compost.
- Brush Pickup

Wastewater Treatment Plant Summary:

Wastewater Treatment

- Check all lift stations 2 times a week with 2 employees
- Read meters, record utility and chemical usage
- Read, record, and email all weather conditions to the National Weather service
- Daily WWTP inspection
- Weekly equipment greasing
- Rotate equipment sequences
- Empty trash cans, disinfect, clean break room, clean grounds
- Weekend work schedule
- Holiday work schedule

NPDES/IPP

- Daily Laboratory Analysis
- Monthly PFAS sampling for WWTP effluent and biosolids
- NPDES monthly Selenium sampling
- Monitor weekly PFAS sampling via LP&P
- PFAS file updates
- Submitted monthly NPDES PFAS POTW effluent monitoring report via MiEnviro
- Submitted monthly DMR via MiEnviro
- Submitted quarterly NPDES PFAS status report via MiEnviro
- Thumb Correctional annual sampling
- LP&P annual sampling
- Elite annual sampling
- McLaren annual sampling/HTF survey

Electrical Work

- Lift station generators checks and repairs
- Community Center lighting repair
- Installed new fiber Optic cards for SCADA
- Rebuilt power PED (train tracks)
- Replaced lighting at WWTP
- Repair of electrical components at Devonshire
- Disconnect power at pavilion outlets

Mechanical/Operations

- Call-in Thumb correctional high level
- Serviced centrifuge

- Devonshire repair
- Oakdale bar screen clean
- HVAC belt replacement
- Replace filters on air handler
- Replaced gland studs on Pant Effluent water pumps
- Repaired water valve
- Assisted Bio-Tech with biosolids land application
- PEW pump 3 bearing replacement
- Unplugged check valve at McCormick lift station

Miscellaneous

- Met with F&V and Fishbeck Sand filter engineering
- Repaired toilet
- HTF investigation
- Repair air dryer fitting

Safety/Training

- IT computer training
- Safety training (Discussion on confined space)

Bio-Solids Disposal Status

- 2-North tanks hold 474,980 gallons /we have 0 gallons in storage
- 2-south tanks hold 430,120 gallons/we have 215,000 gallons in storage
- Total – 215,000 gallons in storage
- Bio-Tech continued hauling biosolids for land application

CITY OF LAPEER

SEWER DEPARTMENT - MONTHLY REPORT

	HOURS
DPW maintenance	6
Sanitary sewer calls	4
Clean cemetery catch basin	2
Take 5 for Safety - Safe Housekeeping	0.25
Clean bus garage catch basins	4
Check Oregon Rd. sewer and clean	4
Jet trouble sanitary areas	12
Oregon Rd. sewer repair assistance	5

OVERTIME SEWER MONTHLY REPORT

[illegible]

CITY OF LAPEER
STREET DEPARTMENT - MONTHLY REPORT

	HOURS
Tree trimming/removal throughout the city	16
DPW maintenance	48.5
Dump maintenance	2
Brush/compost	87
Sweep city streets	8.5
Haul compost	11
Board up doors at Lapeer Grain	4
Close Oregon Rd.	1
Take 5 for Safety - Safe Housekeeping	0.75
Cut trees in Cemetery	44
Prep for asphalt repairs	2
City Hall building maintenance	3.5
Leaf pick up	85
Cold patch city streets	2
Barricades & cones for Parking Lot # 5; close lot	4
Pick up truck # 99	10
Fill First St. spot with gravel	6
Sidewalk repair - remove/prep/pour/restore	29

OVERTIME STREETS MONTHLY REPORT

[illegible]

CITY OF LAPEER
WATER DEPARTMENT - MONTHLY REPORT

	HOURS
Meter reading	4
Service requests	54.5
Number of work orders, re-reads, service line checks & MXU repairs	102
DPW building/grounds maintenance	86
Miss Dig	44.5
Vehicle maintenance	7
Daylight water service lines	26
Water service replacement at 609 Monroe St.	46
Locate and mark services for daylighting	5
Stump grinding	2
Water service replacement at 526 Calhoun St.	29
Restorations of water service line sites and daylighting	8
Investigate Hunters Creek MHP for water leaks	2
Water service replacement at 844 Calhoun St.	19
Take 5 For Safety - Safe Housekeeping	1
Traffic control from Oregon Rd. sewer repair	5
Water service replacement at 835 Second St.	38
Shut down water at Leeper Meadows for private main break repair	1
Water service replacement at 831 Washington St.	29
Sawcut/prep for patching	36
Rotate PRV's	1
Fill in vac holes from daylighting	39
Fire hydrant winterization	156.5
Haul spoils	5
Distribution Review class for S1 & S2	16
Wellhouse maintenance	4
Service line replacement prep	37
Set up road closure	9
Restoration in Andrew's River from service repair	9
Service line replacement at 543 Calhoun St.	30
Distribution Review class for S3 & S4	32
Pour concrete	28
Concrete prep	9
Concrete restorations	22
Assist Monchilov with service line checks	55
Water service turn ons/turn offs	4
Water/Well samples - take to Lansing	21
Meeting at City Hall	2
Dump maintenance	6
Inspection work with the Building Dept.	11
Water Shut offs	26

OVERTIME WATER MONTHLY REPORT

[illegible]

WWTP MONTHLY REPORT

WWTP	HOURS
AM walk through	44
Wasting	60
Process	127.5
Headworks	
Lift Stations	80
Minor repairs	25
Major repairs	18
Greasing	13
Cleaning	71
PM walk through	41
Painting	
Grounds	3
Meetings	9
Equipment	16
Lab	180
Computer	47
IPP	67
Electrical	161
DOT physical	2
Taplin tour	14

OVERTIME WWTP - MONTHLY REPORT

WWTP	HOURS
AM walk through	9
Wasting	15
Process	6
Headworks	
Lift Stations	13.5
Minor repairs	
Major repairs	
Greasing	
Cleaning	
PM walk through	
Painting	
Grounds	
Meetings	
Equipment	
Lab	9
Computer	
IPP	
Electrical	3

**MEDICAL MARIHUANA LICENSES
PROVISIONING CENTER - GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY**

ITEM K-1-8

Approved Licenses:				Updated: October 2024
Applicant Name	DBA	Address	License	Status
PROVISIONING CENTERS				
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 11-19-24
SPMI LLC	Shango Lapeer	224 E Genesee St	Facility	App: Exp 12-12-24
FB Lapeer PRV, LLC	The Jazz Club Center	1333 Imlay City Road	Provisional	App: Exp 04-26-25
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 06-11-25
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 06-21-25
Alternative RX, LLC	Xplore Cannabis	824 S Main Street	Facility	App: Exp 10-30-25
TRC Lapeer LLC	The ReLeaf Center of Lapeer	200 E Genesee St	Facility	App: Exp 10-23-25
GROWER				
Green Thumb Growers	Green Thumb Growers	840 Whitney	Prov – Class A	App: Exp 04-24-25
PROCESSOR				
Berry Green Management, Inc	Berry Green Management, Inc	1356 Imlay City Road	Facility	App: Exp 12-11-24
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Road	Facility	App: Exp 08-28-25
Northwest Confections Michigan LLC	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-25
SECURE TRANSPORTER				
None.				
SAFETY COMPLIANCE FACILITY				
None.				

ADULT USE MARIHUANA LICENSES
PROVISIONING CENTER – GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY

Approved Licenses:				Updated: September 2024
Applicant Name	DBA	Address	License	Status
PROVISIONING CENTERS				
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 11-19-24
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 12-03-24
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 12-16-24
SPMI, LLC	Shango Lapeer	224 E. Genesee St	Facility	App: Exp 12-15-24
Alternative RX	Xplore	824 S. Main St.	Facility	App: Exp 12-21-24
TRC Lapeer LLC	H.O.D.	200 E Genesee St	Facility	App: Exp 12-03-25
GROWER				
Fresh Water Gardens, LLC		39 W. Genesee	Prov – Class C	App: Exp 12-16-24
SDRK Group, LLC #1		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24
SDRK Group, LLC #2		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24
SDRK Group, LLC #3		207 S. Saginaw St.	Facility – Class C	App: Exp 02-12-25
Old School Organics, LLC	Old School Organics, LLC	350 County Center Street	Facility – Class C	App: Exp 04-08-25
Ka Ulu Ana LLC #1		244 S. Court St	Facility – Class C	App: Exp 10-15-25
Ka Ulu Ana LLC #2		244 S. Court St	Facility – Class C	App: Exp 10-15-25
PROCESSOR				
Berry Green Management		1356 Imlay City Road	Facility	App: Exp 01-05-25
Atwater Management LLC	Culture Complex	525 S. Court St., Suite 120	Facility	App: Exp 01-25-25
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Rd, Ste F-G-H	Facility	App: Exp 08-28-25
Northwest Confections Michigan	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-25
SECURE TRANSPORTER				
None.				
SAFETY COMPLIANCE FACILITY				
None.				

CITY OF LAPEER, 576 LIBERTY PARK, LAPEER, LAPEER COUNTY, MICHIGAN 48446
2024 MEETING DATES

N-1

In accordance with the Open Meetings Act, MCL 15.261 et. Seq., notice is hereby given that every meeting of the City Council, Boards, Authorities and Commissions of the City of Lapeer shall be open to the public. Notice is further given that the following City Council, Boards, Authorities and Commissions are regular meeting dates for 2024. A public notice of each special or rescheduled meeting will be posted at least 18 hours prior to the time of the meeting.

Board/Commission	Location	Time	January	February	March	April	May	June	July	August	September	October	November	December
City Commission	Commission Chambers	6:30 P.M.	2, 16	5, 20	4, 18	1, 15	6, 20	3, 17	1, 15	5, 19	3, 16	7, 21	4, 18	2, 16
1 st & 3 rd Monday of each Month														
Cemetery Board	Mt. Hope Cemetery	2:00 P.M.	--	--	--	--	--	--	--	--	--	17	--	--
3 rd Thursday of Oct Building														
Downtown Development Authority	2 nd Floor Conference Room	8:00 A.M.	24	28	27	24	22	26	24	28	25	23	27	25
4 th Wednesday of each Month														
Economic Development Corp (EDC) & Tax Increment Finance Auth (TIFA)	2 nd Floor Conference Room	8:00 A.M.	10	14	13	10	8	12	10	14	11	9	13	11
2 nd Wednesday As needed														
Housing Commission	2 nd Floor	4:00 P.M.	18	15	21	18	16	20	18	15	19	17	21	19
3 rd Thursday of each Month	Conference Room													
Local Development Finance Authority (LDFA)	2 nd Floor Conference Room	8:00 A.M			5			4			3			3
1 st Tuesday March/June/Sept/ Dec as Needed														
Park Board			--	--	--	--	--	--	--	--	--	--	6	--
Planning Commission	Commission Chambers	6:30 P.M.	11	8	14	11	9	13	11	8	12	10	14	12
2 nd Thursday of each Month														
Zoning Board of Appeals	Commission Chambers	6:30 P.M.	22	26	25	22	27	24	22	26	23	28	25	23
4 th Monday of each Month														

Address of the above locations are as follows:

Commission Chambers: City Hall, 576 Liberty Park
Mt. Hope Cemetery: 1230 Park Street

Romona Sanchez, CMC
City Clerk

City of Lapeer
576 Liberty Park, Lapeer
Lapeer County, Michigan 48446 (810) 664-5231



MAT. TRANS.

To: City Commission
Date: November 18, 2024
RE: Material Transmittals

NONE.