

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 18, 2024**

A regular meeting of the Lapeer City Commission was held November 18, 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.

Presentation – Police Chief Howe, introduced members of the Michigan Association of Chiefs of Police. Chief Ron Wiles, Dep. Director, presented Chief Howe and the Lapeer Police Department with the Michigan Law Enforcement Accreditation certificate.

265 2024 11-18 AGENDA APPROVAL

Moved by Glisman. Seconded by Brady.

Approve the Agenda for November 18, 2024, as presented.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

266 2024 11-18 MINUTES

Moved by Glisman. Seconded by Brady.

Approve the minutes of the regular meeting held November 4, 2024, as presented.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Brad Haggadone, Lapeer County Commissioner, updated the City Commission regarding the Lapeer County Board of Commissioners' proceedings.

Didrick Krogh commented on leaf pick up around the city.

Bryan Cloutier asked about the change to the business hours.

Melissa Petrie gave an invocation.

267 2024 11-18 BILL LISTING

Moved by Brady. Seconded by Swindell.

Approve the bill listing for November 18, 2024, in the amount of \$708,946.74.

ON A ROLL CALL VOTE.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

ADMINISTRATIVE REPORTS:

268 2024 11-18 ORDINANCE AMENDMENTS – CHAPTER 7 ZONING, CHAPTER 68 MEDICAL MARIHUANA FACILITES AND CHAPTER 69 ADULT USE MARIHUANA BUSINESSES AND FACILITIES

Commissioner Brady introduced 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.

**CITY OF LAPEER
LAPEER COUNTY, MICHIGAN**

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 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	P/SLU P	§ 7-13.10C
Shipping containers, temporary					§ 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.

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 their 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.

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 Us 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 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	__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.

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.

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.

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 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:
 - (e)
 - [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).
- (f) 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.
- (g) 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 Marijuana 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 marijuana 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.

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 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.
- (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.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

Congratulated Chief Howe on the accreditation certification.

UNFINISHED BUSINESS

269 2024 11-18 APPOINTMENTS – EDC/TIFA/BROWNFIELD

Moved by Brady. Seconded by Swindell.

To confirm the mayor's appointment of Jannice Ferdon to the EDC/TIFA/Brownfield Redevelopment Authority for a term to expire March 1, 2025.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The Monthly Departmental Reports were received into the record.

PUBLIC COMMENTS

Bryan Cloutier commented on changes to the marihuana ordinance.

MAYOR/COMMISSIONER COMMENTS

Commissioner Swindell: Lapeer High School will be holding their production of Matilda in Imlay City. Hopes everyone comes out to support the kids this weekend. She appreciates all the work by the City Clerk and Deputy City Clerk on the election. Happy Thanksgiving. Challenges everyone to find something they are thankful for and say it out loud for the next month.

Commissioner Petrie: Congratulations to Chief Howe. Thanked Jeff Graham for all the heat he is taking over the leaves. We need to reevaluate the leaf pick up policy; feels the DPW is the set designers of the City, however, we need to look at staffing and figure out a better plan to remove the leaves; has a lot of concerns. Feels it is wrong that City Hall is not open at all on Friday, we are the county seat, and we need to relook at it. Maybe shortened hours on Friday or a rotating schedule. Attended the Planning Commission meeting. Planning Commission wants to review the applications of individuals who are applying to be members of the Planning Commission. Attended Ladies Night Out last week, enjoyed the reminiscence of the old days before big box stores came to town. Would like to see more evening events in the downtown. Attended the funeral for Darryl Thomas, beautiful service. Thankful for the community and Happy Thanksgiving to everyone.

Commissioner Brady: Productive Park Board meeting, looking forward to working on the next disc golf course.

Commissioner Glisman: Daughter of Detroit Police Lieutenant who taught her to be very cautious and shared her concerns about leaves and debris. Children should not play in the leaves as there may be ticks in the leave; leaves cannot be left in the streets because of the dangers that exists. Thanksgiving is an awesome American holiday. This nation has been blessed by God, and she is grateful to the pilgrims who signed the Mayflower Compact, which

the foundation of everything great in America today. Recommended three books for young children relating to the holiday. Loves history and loves this holiday. On this day, 1883, North American Railroad, at noon, began Standard Railroad Time, which created the time zones, eastern, central, mountain and pacific. Happy Thanksgiving and thanked Chief Howe and City Clerk Sanchez.

Commissioner Atwood: Congratulations to Chief Howe. Happy Thanksgiving, its not always happy for everyone, be kind to others out there.

City Manager Womack: On the leaves, we are doing the best we can, we have had some mechanical issues with the new truck and are currently short staffed; only a couple days behind. Hours of operation, we have adopted the new hours; he has not heard complaints but has received a lot of positive comments. Tomorrow is the anniversary of the Gettysburg address; read a few lines of Abraham Lincoln's Thanksgiving Day Proclamation.

Mayor Marquardt: Thanked the City Clerk, Deputy Clerk and the election workers for all their hard work during the election. Congratulated Chief Howe on the accreditation. Wishes everyone a Happy Thanksgiving.

270 2024 11-18 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 7:35 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk