

## CHAPTER 124: MEDICAL MARIJUANA REGULATION

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### **§ 124.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CONTROLLED SUBSTANCE.*** Substances regulated under the Public Health Code, Public Act 368 of 1978, as amended, and/or the United States Code.

***MEDICAL MARIJUANA ACT.*** Legislation adopted to comply with Proposal 1 of 2008.

(Ord. 10-010, passed 10-26-09)

### **§ 124.02 PROHIBITED ACTIVITY.**

It shall be unlawful for any business to provide assessments and/or certifications under the Medical Marijuana Act without a permit under this chapter.

(Ord. 10-010, passed 10-26-09) Penalty, see § 124.99

### **§ 124.03 PERMIT REQUIREMENTS.**

No person shall engage in the business of Medical Marijuana Act assessments and/or certifications without obtaining a permit therefor. No such permit shall be granted except upon approval of the City Clerk.

(Ord. 10-010, passed 10-26-09) Penalty, see § 124.99

#### **§ 124.04 REGULATIONS.**

No controlled substances shall be kept stored or distributed on site. The permittee shall comply with all federal, state and local laws.

(Ord. 10-010, passed 10-26-09) Penalty, see § 124.99

#### **§ 124.05 APPLICATION FOR PERMIT.**

(A) Applications for permits required by this chapter shall be made upon forms provided by the Clerk, which shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any firm, partnership, association, corporation, company or organization and shall set forth the following:

- (1) If an individual, the name, address and telephone number of the individual;
- (2) If a partnership, the name, residence and business address and telephone number of each partner and each partner's computerized criminal history (CCH) and master driving record;
- (3) If a corporation, the name, date and state under whose laws such corporation was organized and, if a foreign corporation, whether authorized to do business in the state, the names of the principal officers, directors and local representatives, their residences and business addresses and telephone numbers and their computerized criminal history (CCH) and master driving record;
- (4) If an employee, the name, residence and telephone number, computerized criminal history (CCH), and master driving record of the employee together with written credentials setting forth the exact nature of his employment, including, where applicable, a copy of the employees medical license;
- (5) The length of time for which the right to do business is sought;
- (6) A photograph of the applicant or the agent for the applicant who is to do the actual assessments and/or certification which photograph shall be two inches by two inches showing head and shoulders of applicant or agent;
- (7) A copy of the applicant's computerized criminal history (CCH);
- (8) A copy of the applicant's master driving record;
- (9) A brief description of the product, products or services involved;
- (10) The name, address and telephone number of a Michigan resident who is the registered agent of the individual, corporation or association, who has the full power and authority to accept service of process for and on behalf of applicant in respect to any matters connected with or arising out of the business transacted under said permit with the result that service on said agent shall be valid as if personally served on the applicant; and
- (11) A history of the applicant's ordinance and state law license and permit revocations and ordinance violations.

(B) The application shall be accompanied by a nonrefundable application fee to be established by resolution of the City Council and made part of the Comprehensive Fee Schedule.

(Ord. 10-010, passed 10-26-09)

#### **§ 124.06 INSPECTIONS.**

Upon receipt of an application, the City Clerk may request the assistance of the city departments to determine that the premises comply with the provisions of this chapter and any other ordinance of the city, including the zoning ordinance, and that the applicant or the activity to be licensed do not constitute an apparent danger to the health, safety and welfare of the people of the city.

(Ord. 10-010, passed 10-26-09)

## **§ 124.07 ISSUANCE OF PERMIT; TERM.**

The City Clerk shall issue a permit to the applicant unless the Clerk finds reason for denial including that the applicant's permit has previously been revoked. The permit shall be for no more than one year in term. The standards for denial of the application by the City Clerk are as follows:

(A) The application is not completely filled out as required by § 124.05.

(B) The applicant's computerized criminal history (CCH) shows a conviction or convictions for activities that pose a threat or a danger to the residents of the city should a permit be granted. By way of example, but not exclusively, such convictions would include reckless driving, drunk driving, disturbing the peace, assault and battery or simple assault, domestic violence, stalking, theft, dishonesty or deception, fraud, obstruction of justice, disorderly person, trespassing, window peeping, criminal sexual conduct, felonious assault, murder, assault with intent to commit any other crime, breaking and entering and/or any other violation of the Criminal Code of the State of Michigan, United States Code and/or local ordinances pertaining to criminal conduct.

(C) The product or services being offered violate any provision of federal, state or local laws, rules or regulations.

(D) Verification of any of the information required by § 124.05 shows the information provided by the applicant to be fraudulent, a misrepresentation, or a false statement.

(E) An investigation through the City Police Department or any other law enforcement agency shows a pattern and history of conduct which would justify a revocation of the applicant's permit under § 124.11.

(F) The applicant or any of the proposed employees of the applicant have a history of business license/permit violations, revocations, or a history of ordinance violations regardless of whether they have resulted in conviction.

(G) Failure to pay the nonrefundable application fee.

(H) No permit shall be issued to any applicant until such applicant shall have obtained the age of 18 years.

(I) Any other competent, material and substantial evidence indicating the applicant or any of the applicant's proposed employees pose an apparent danger to the health, safety and welfare of the people of the city and/or the activity proposed to be permitted constitutes an apparent danger to the health, safety and welfare of the people of the city.

(Ord. 10-010, passed 10-26-09)

## **§ 124.08 DENIAL OF PERMIT; APPEAL HEARING.**

(A) The Clerk may refuse to issue a permit for the reasons stated in § 124.07.

(B) Any person whose permit application has been denied shall have the right to petition the City Council for an appeal. The City Council shall grant a public hearing on this appeal, and the applicant shall have the right to appear and present evidence on his/her behalf. Following such hearing, the Council shall submit to the applicant a written statement of its findings and determinations. The Council's determination shall be based upon competent, material and substantial evidence showing failure to comply with the requirements of § 124.07.

(Ord. 10-010, passed 10-26-09)

## **§ 124.09 TRANSFER OR MISUSE OF PERMIT.**

No permit issued hereunder shall be transferred to another business location or represented as pertaining to any other business location.

(Ord. 10-010, passed 10-26-09) Penalty, see § 124.99

## **§ 124.10 DISPLAY.**

A permit issued hereunder shall be prominently displayed at the location at all times.

(Ord. 10-010, passed 10-26-09)

### **§ 124.11 REVOCATION OF PERMIT; APPEAL.**

(A) Permits issued pursuant to § 124.07 may be revoked by the City Clerk upon the Clerk's findings based upon competent, material and substantial evidence of any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for permit;
- (2) Any fraud, misrepresentation or false statement made in connection with the services and/or merchandise;
- (3) Any violation of this chapter;
- (4) Conviction by the permittee of any felony; or
- (5) Conducting the business in an unlawful manner or in such a manner as to constitute breach of the peace.

(B) Notice of the revocation of a permit shall be given in writing, setting forth specifically the grounds for the revocation. Such notice shall be mailed, postage prepaid, to the permittee at the address provided in the application.

(C) Any permittee whose permit has been revoked as herein provided shall have the right to appeal the revocation to the City Council as provided in § 124.08.

(Ord. 10-010, passed 10-26-09)

### **§ 124.12 SURRENDER OF PERMIT ON DEMAND; RETURN.**

The permit shall be surrendered on demand to a police officer based upon a probable cause belief by the officer that the permittee is in violation of this chapter. The permit shall be returned to the permittee within 48 hours upon failure of the City Clerk to find cause to revoke the permit as provided in § 124.11.

(Ord. 10-010, passed 10-26-09)

### **§ 124.99 PENALTY.**

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this chapter shall be guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 90 days, or both, at the discretion of the Court.

(Ord. 10-010, passed 10-26-09)