

**CITY OF ALBION
ORDINANCE #2020-05**

**AN ORDINANCE TO AMEND CHAPTER 22, TO ADD ARTICLE VI, SECTIONS
22-220 TO 22-232, ADULT USE MARIHUANA FACILITIES**

Purpose and Finding: As the council is aware, the City previously elected to opt-out of allowing adult use (recreational) marihuana facilities within the City of Albion. Primarily this opt out was to allow time for the state and the City to adopt to the new law and to learn from other municipalities who had already adopted ordinances to allow these facilities to determine the best course to regulate the facilities. The council has directed the drafting of an ordinance to allow for adult use grow facilities and processing facilities only. This ordinance provides regulations for the same. An extended effective date is being provided to allow for the various departments to prepare for applications and to establish the appropriate fees by resolution.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, of the Codified Ordinances of the City of Albion, is hereby amended, by adding Article VI, Sections 22-220 through 22-232 as follows:

ARTICLE VI: ADULT USE MARIHUANA FACILITIES

Sec. 22-220. Legislative Intent.

The purpose of this ordinance is to regulate adult-use marihuana establishments. The city finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this ordinance to diminish, abrogate, or restrict the protections for adult-use marihuana use found in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq. (the "Act").

Sec. 22-221. Definitions.

The words and phrases used in this Article shall have the following meanings:

1. *The Act* shall mean the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

2. *Department* means the Michigan Department of Licensing and Regulatory Affairs.
3. Designated consumption establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.
4. *Industrial hemp* means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.
5. *Marihuana* means 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 act, marihuana does not include:
 - a. 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;
 - b. Industrial hemp;
 - c. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
6. *Marihuana concentrate* means the resin extracted from any part of the plant of the genus cannabis.
7. *Marihuana establishment* means a marihuana grower or excess grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, designated consumption establishment or any other type of marihuana-related business licensed by the department.
8. *Marihuana grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:
 - a. Class A – not more than 100 marihuana plants;

- b. Class B – not more than 500 marihuana plants;
 - c. Class C – not more than 2000 marihuana plants;
9. *Marihuana microbusiness* means 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.
 10. *Marihuana processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
 11. *Marihuana retailer* means 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.
 12. *Marihuana secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
 13. *Marihuana safety compliance facility* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
 14. *Municipal license* means a license issued pursuant to section 6 of the Act (MCL 333.27956) that allows a person to operate a marihuana establishment in the City of Albion.
 15. *Municipality* means the City of Albion.
 16. *Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
 17. *Process or Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
 18. *Provisional License* means a certification provided by the City of Albion to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.

19. *State rules* means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.
20. *State license* means a license issued by the Department that allows a person to operate a marihuana establishment.
21. Temporary marihuana event means an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the municipal license during the dates indicated on the municipal license.

Sec. 22-222. Authorized Marihuana Establishments

The city hereby authorizes, subject to the issuance of a municipal license by the city clerk, the following types of marihuana establishments within the boundaries of the city, pursuant to section 6.1 of the Act:

- a. Class A Marihuana Grower
- b. Class B Marihuana Grower
- c. Class C Marihuana Grower
- d. Marihuana Processor

Subject to any other condition contained in this article, the city clerk, after approval from the city council, may issue up to an aggregate total of 20 marihuana establishment licenses for the establishments listed in this Section.

Sec. 22-223: Prohibited Marihuana Establishments

The city hereby prohibits, pursuant to the Act, the following types of marihuana establishments within the boundaries of the city:

- a. Marihuana Safety Compliance Facility
- b. Marihuana Secure Transporter
- c. Excess Marihuana Grower;
- d. Marihuana Retailer;
- e. Marihuana Microbusiness;
- f. Temporary Marihuana Events;
- g. Designated Marihuana Consumption Establishments;

Sec. 22-224: Permitted Locations

- a. Marihuana Growers shall be limited to the M-1 and M-2 zoning districts;
- b. Marihuana Processors shall be limited to the M-1, M-2, and C Zoning Districts.

Sec. 22-225: Facility Distance Requirements

- a. No marihuana grower facility or marihuana processor facility, shall be located within 500 feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- b. No marihuana grower facility or marihuana processor facility shall be located within 250 feet of real property comprising a public park. Any marihuana grower facility or marihuana processor facility located more than 250 feet but less than 500 feet of real property comprising a public park shall be surrounded by a fence as required by city ordinance. The fence requirement contained herein may be waived if the city deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to ensure the security of the premises and safety of the public.
- c. No marihuana grower facility, marihuana processor facility shall be located within 250 feet of real property comprising a place of religious worship. Any marihuana grower facility or marihuana processor facility located more than 250 feet but less than 500 feet of real property comprising a place of religious worship shall be surrounded by a fence as required by city ordinance. The fence requirement contained herein may be waived if the city deems a fence to be impractical with the location of the facility and if the facility has other adequate security measures to ensure the security of the premises and safety of the public.

22-226: Provisional License; Municipal License to Operate Marihuana Establishment

1. An application for a municipal license to operate a marihuana establishment shall be reviewed by the following City Departments:
 - a. Public Safety;
 - b. Planning & Zoning;
 - c. Finance;
 - d. City Attorney;

An application for a municipal license to operate a marihuana establishment shall not be submitted to the City Council for approval until all of the departments listed above have recommended approval of the application.

2. If approved by the City Council, the clerk shall issue the applicant a provisional license, which does not convey the ability to operate a marihuana establishment.

3. A provisional license will be accompanied by a completed attestation form, in compliance with the Act and the state rules, specifically the Emergency Rules of July 3, 2019, Rule 8, Section 1(e)(iii), and will facilitate the application process for a state license.
4. At the time the clerk receives verification that the applicant has received a valid state license, the clerk will provide the applicant with a municipal license, which conveys the ability to operate a marihuana establishment.
5. Municipal licenses will be issued for the term of one year. Municipal licenses may be renewed by the City Council after receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing. A departmental review of a renewal application shall be required. Successive renewals will each be valid for one year.
6. Maintaining a valid state license is a condition for the maintenance of a municipal license under this ordinance and continued operation of a marihuana establishment. A provisional license does not authorize operations until a final license is issued, which will only occur upon issuance of the appropriate state license.
7. A municipal license to operate a marihuana establishment shall not be issued to any individual or entity who is in default to the City.
8. Any license issued under this Section shall be non-transferrable to another entity without city council approval.

22-227: Municipal License Application

1. Every applicant for a municipal license to operate a marihuana establishment shall file an application in the office of the City Clerk on a form provided by the City. The Application shall include:
 - a. The appropriate nonrefundable municipal license application fee, as established by resolution;
 - b. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;
 - c. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or

more phone numbers of each person holding ownership interest in the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;

- d. For the applicant, for each person holding an ownership interest in the applicant, an affirmation under oath as to whether they are at least 18 years of age and have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;
- e. The name and address of the proposed marihuana establishment;
- f. A notice of prequalification status approval from the Department, as defined under the state rules, specifically the Emergency Rules of July 3, 2019, Rule 6, Section 2;
- g. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (as measured from the parcel lines of the individual properties) to the closest real property comprising a public or private elementary, vocational or secondary school, city park, and places of religious worship;
- h. A description of the security plan for the marihuana facility, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;
- i. A floor plan of the marihuana establishment, as well as a scale diagram illustrating the property upon which the marihuana

establishment is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;

- j. A staffing plan;
- k. A business plan;
- l. Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana establishment;
- m. A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;
- n. An affidavit that neither the applicant nor person holding an ownership interest in the applicant is in default to the city. Specifically, that the applicant or person holding an ownership interest in the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the city;
- o. Proof of an adequate premise liability and casualty insurance policy in the amount not less than \$100,000.00, covering the marihuana establishment and naming the City of Albion as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or person(s) holding an ownership interest in the applicant, agents, employees or subcontractors. Proof of said insurance shall be provided not later than sixty (60) days after a state operating license is issued or renewed;
- p. One of the following: (a) proof of ownership of the entire premises wherein the marihuana establishment is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of the lease for the premises;
- q. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions

and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the city, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that the applicant may incur as a result of the violation by the applicant, its stakeholders and agents of those laws, rules, and regulations; and

- r. Any other information which may be required by the clerk.
2. All documents submitted in support of an application for a marihuana establishment license must be legible.
 3. Municipal license holders shall report any other change in the information required by this ordinance to the city clerk within 10 business days of the change. Failure to do so may result in suspension or revocation of the license.
 4. If the application is denied, the clerk shall issue a written notice of denial to the applicant. All communications will be sent by first class mail to the address for the applicant provided on the application.
 5. Upon receipt of a completed marihuana establishment application meeting the requirements of this ordinance and confirmation that the issuance of the proposed municipal license would not exceed the maximum number permitted in Section 22-222 of this Ordinance, the clerk shall refer a copy of the application to the departments specified in Section 22-226 of this Ordinance.
 6. A municipal license will not be granted until the application materials have been reviewed and approved by the city departments listed in Section 22-226, or their designees, for compliance with all sections of this Article and all necessary inspections have been made.
 7. A municipal license will not be granted until the applicant, and each person holding an ownership interest in the applicant, have passed a criminal background check conducted by the Albion Department of Public Safety.
 8. A municipal license will not be granted until the Finance Department verifies that the applicant is not in default to the city.
 9. Municipal license holders shall report any other change in the information required by this ordinance to the city clerk within ten (10) business days of

the change. Failure to do so may result in suspension or revocation of the license.

22-228: License Denial; Appeal

1. Should the city clerk deny an application due to deficiency in the application materials or other non-compliance with this Article, the application shall not be submitted to the city council for approval. The applicant shall have fourteen (14) days from the mailing of the denial to appeal the denial to the city manager by filing a notice of appeal with the city manager's office. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the clerk, the clerk shall issue a provisional license. Should the city manager affirm the decision of the clerk, the city manager shall issue a written notice affirming the decision. All communications will be sent by first class mail to the address for the applicant provided in the application.
2. The applicant shall have fourteen (14) days from the mailing of a decision by the city manager affirming the decision of the city clerk to appeal to the city council. To appeal the decision of the city manager, the applicant must file a notice of appeal with the city clerk. The city council shall hear the appeal at its next regular meeting, but not sooner than seven (7) days from the receipt of the appeal.

22-229: Minimum Operational Standards for Marihuana Grower

The following standards shall apply to Marihuana Growers:

1. The premises shall be open for inspection upon probable cause that a violation of this Article has occurred during the stated hours of operation and at such other times as anyone is present on the premises.
2. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants. Each marihuana plant will be tagged as required by the Act.
3. All marihuana shall be contained within an enclosed locked facility. All operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.

5. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the Michigan Fire Protection Code.
6. The dispensing of marihuana at the grower facility shall be prohibited.
7. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to: 1. Maintaining adequate personal cleanliness; 2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated; 3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
8. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
9. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
10. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
11. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
12. Each grower facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
13. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
14. The grower facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
15. Exterior signage or advertising identifying the facility as a grower facility shall be prohibited.
16. Odor control - No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable

odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A grower shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

17. A plan for ventilation of the marihuana facility that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
18. Cultivated, produced, or distributed by a marihuana business. A marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.
19. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

22-230: Minimum Operational Standards for Marihuana Processor

The following standards shall apply to Marihuana Processors

1. The processor facility shall comply at all times and in all circumstances with the Act, any applicable emergency rules promulgated by the Michigan Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
2. Consumption and/or use of marihuana shall be prohibited at the processor facility.
3. All activity related to the processor facility shall be done indoors.

4. To inspect and examine all premises of marihuana facilities.
5. Any processor facility shall maintain a log book and/or database which complies with the Act, as amended, any applicable emergency rules promulgated by the Michigan Department of Licensing and Regulatory Affairs, other applicable state laws. Said log book shall be made available for inspection by the Albion Department of Public Safety upon request.
6. All marihuana will be tagged as required by the Act, any applicable emergency rules promulgated by the Michigan Department of Licensing and Regulatory Affairs, or other applicable state laws.
7. All marihuana shall be contained within an enclosed locked facility in accordance with the Act, as amended. All operations shall be conducted within the facility so as not to be exposed to the public and all operations are expressed prohibited from being conducted outside the facility or outdoors.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
9. That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the Michigan Fire Protection Code.
10. The dispensing of marihuana at the processor facility shall be prohibited.
11. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - a. Maintaining adequate personal cleanliness;
 - b. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
12. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
13. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

14. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
15. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
16. Each processor facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
17. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
18. The processor facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
19. The processor facility shall produce no products other than usable marihuana intended for human consumption.
20. Exterior signage or advertising identifying the facility as a processor facility shall be prohibited.
21. Odor control - No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
 - a. A plan for ventilation of the marihuana facility that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business.
 - b. A marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.
 - c. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that

any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

22-231: License Revocation

1. A municipal license or provisional license issued under this ordinance may be revoked after an administrative hearing at which the city clerk determines that grounds for revocation under this ordinance exist. The city clerk shall consult with the city's attorney prior to revoking any license under this Article. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of the license at least five (5) days prior to the hearing, by first class mail to the address given on the license application or any address provided pursuant to this article.
2. A license issued under this ordinance may be revoked on any of the following basis:
 - a. Any violation of this Article;
 - b. Revocation of the Special Land Use Permit issued by the City of Albion Planning Commission;
 - c. Any conviction of delivery of a controlled substance to a minor;
 - d. City clerk finding of fraud, misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this Article requires a municipal license or in connection with the application for a license or request to renew a municipal license;
 - e. The municipal license holder or any of its stakeholders is in default to the city personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
 - f. The marihuana establishment is determined by the city to have become a public nuisance; or
 - g. The department has denied, revoked or suspended the applicant's state operating license.

3. Should the city clerk revoke a license, the municipal license holder shall have fourteen (14) days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the city clerk, the clerk shall reinstate the license. Should the city manager affirm the decision of the city clerk, he/she shall mail by first class mail a written notice affirming the decision to the address for the municipal license holder contained in the city clerk's records.
4. Should the city manager affirm the revocation of a municipal license by the city clerk, the municipal license holder shall have fourteen (14) days from the mailing of the decision of the city manager to appeal the decision to the City Council, by filing with the city clerk a written notice of appeal. The City Council shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven (7) days from the receipt of the appeal.

22-232: Penalties

1. The City of Albion may require an applicant or municipal license holder to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.
2. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of five hundred \$500.00 dollars, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
3. Any violation of this ordinance may result in revocation, as defined in section 22-231 of this ordinance.


Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on September 6, 2020 after publication.

First Reading:

June 15, 2020

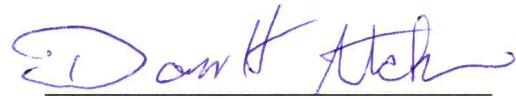
Ayes 5
Nays 0
Absent 2 (Cawler & Spicer)


Jill Domingo,
Clerk

Second Reading & Adoption:

July 6, 2020

Ayes 4
Nays 2
Absent 1 (Cawler)


David Atchison,
Mayor.