



**LAW DEPARTMENT**

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June 30, 2022


Detroit City Council  
1340 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

RE: Proposed ordinance to amend Chapter 20 of the 2019 Detroit City Code, Health, Article VI  
Medical Marihuana Facilities and Adult Use Marijuana Establishments

Honorable City Council:

The Law Department has prepared an ordinance to amend Chapter 20 of the 2019 Detroit City Code, Health, Article VI, Medical Marihuana Facilities and Adult Use Marijuana Establishments. The proposed amendments would add an express process for denying a license application that does not meet the requirements of the Detroit City Code regulating Medical Marihuana Facilities and Adult Use Marijuana Establishments, including if an applicant previously operated a marijuana business illegally. A copy of the draft ordinance is attached for your consideration.

Respectfully submitted,

  
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**Conrad L. Mallett, Jr.**  
Corporation Counsel

**S U M M A R Y**

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This ordinance amends Chapter 20 of the 2019 Detroit City Code, *Health*:  
By amending Article VI, *Medical Marijuana Facilities and Adult-Use Marijuana Establishments*, Division 3, *Licensing*, Section 20-6-39. *Inspections, investigations, review of materials submitted*; Section. 20-6-40. *Operating requirements*; and Section 20-6-41 *License issuance*.

1 **BY COUNCIL MEMBER \_\_\_\_\_ :**

2 **AN ORDINANCE** to amend Chapter 20 of the 2019 Detroit City Code, *Health*: by  
3 amending Article VI, *Medical Marijuana Facilities and Adult-Use Marijuana Establishments*,  
4 Division 3, *Licensing*, Section 20-6-39. *Inspections, investigations, review of materials submitted*;  
5 Section. 20-6-40. *Operating requirements*; and Section 20-6-41 *License issuance*..

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

7 **Section 1.** Chapter 20 of the 2019 Detroit City Code, *Health*, Article VI, *Medical*  
8 *Marijuana Facilities and Adult-Use Marijuana Establishments*, Division 3, Sections 20-6-39  
9 *through 20-6-41*, be amended to read as follows:

10 **CHAPTER 20. HEALTH**

11 **ARTICLE VI. MEDICAL MARIJUANA FACILITIES AND ADULT-USE MARIJUANA**

12 **ESTABLISHMENTS**

13 **DIVISION 3. LICENSING**

14 **Sec. 20-6-39. Inspections, investigations, review of materials submitted.**

15 (a) Upon application and before a license under this article is issued for a medical  
16 marijuana facility or an adult-use marijuana establishment, the application shall be referred to  
17 ~~appropriate the departments of the City set forth in Sec. 20-6-22~~, for respective reports to be  
18 provided to the MLRC on compliance with this Code and state law, rules and regulations,  
19 including the following:

20 (1) *Zoning*. The medical marijuana facility or adult-use marijuana establishment shall  
21 meet applicable requirements of the Detroit Zoning Ordinance, being Chapter 50  
22 of this Code. For purposes of this article, license applicants for adult-use marijuana  
23 establishments, excluding temporary marijuana events, shall be deemed to have

1 met the applicable zoning requirements if the property has a conditional land use  
2 approval grant for an equivalent license under the MMFLA;

3 (2) *Building and Property Maintenance Codes.* The medical marijuana facility or  
4 adult-use marijuana establishment shall meet applicable requirements of the Stille-  
5 DeRossett-Hale Single State Construction Code Act, being MCL 125.1501 *et seq.*,  
6 and the Property Maintenance Code, being Chapter 8, Article XV of this Code;

7 (3) *Temporary Events.* A property that is the designated location and subject of an  
8 application for a business license for a temporary marijuana event shall have a  
9 certificate of occupancy, a certificate of compliance, and no outstanding blight  
10 violations, inspection fees, or property taxes;

11 (4) *Fire protection and safety.* The medical marijuana facility or adult-use marijuana  
12 establishment shall meet applicable requirements of the Detroit Fire Prevention and  
13 Protection Code, being Chapter 18, Article I of this Code;

14 (5) *Plumbing.* The medical marijuana facility or adult-use marijuana establishment  
15 shall meet applicable requirements of the Stille-DeRossett-Hale Single State  
16 Construction Code Act, being MCL 125.1501 *et seq.*, and the Michigan Plumbing  
17 Code, being Chapter 8, Article V of this Code;

18 (6) *Ventilation.* Proper ventilation, either natural or mechanical, shall be provided so  
19 that each person within a medical marijuana facility or adult-use marijuana  
20 establishment will be supplied with 1,200 cubic feet of air per hour, or as required  
21 by applicable state code, whichever is greater;

22 (7) *Lighting.* The medical marijuana facility or adult-use marijuana establishment shall  
23 have adequate lighting in every part of the premises in compliance with applicable

1 requirements of the Michigan Electrical Code, being Chapter 8, Article III, of this  
2 Code;

3 (8) *Health and sanitation.* All rooms within a medical marijuana facility or adult-use  
4 marijuana establishment housing toilet facilities shall be equipped with sanitary  
5 towels of a type acceptable to the Health Department. All rooms within the  
6 premises shall meet the requirements of the Michigan Public Health Code, being  
7 MCL 333.1101 *et seq.*, including those concerning food preparation and sanitation.

8 (9) *Illegal Operations.* Whether the applicant, or, if the applicant is an entity, any of  
9 the direct or indirect owners of the applicant entity, operated or opened to the public  
10 any marijuana business requiring a license, without a license, or been the subject of  
11 an involuntary closure order for operating a marijuana business without the required  
12 license at any location.

13 (b) A license shall not be issued or renewed until satisfactory inspections and reviews  
14 are completed by the departments delineated in Subsection (a) of this section, and written reports  
15 are issued indicating that the applicant complies with the requirements of this section.

16 (c) A licensee that is the holder of a limited license shall notify CRIO within 30 days  
17 if the licensee does not maintain the social equity criteria for which it received points on its license  
18 application.

19 **Sec. 20-6-40. Operating requirements.**

20 A medical marijuana facility or adult-use marijuana establishment licensed under this article  
21 shall be subject to the following conditions:

- 22 (1) Compliance with the requirements of this Code, and all applicable state laws;  
23 (2) Compliance with the provisions of the MMFLA or the MRTMA;

1 (3) Medical marijuana facilities and adult-use marijuana establishments must obtain  
2 all necessary state and local licenses before commencing operations and shall  
3 always maintain a valid state operating license and business license under this  
4 article during operation. If a state operating license lapses, is revoked, or is  
5 otherwise terminated by the State of Michigan, the related business license granted  
6 under this article shall be automatically suspended, and licensee may not operate  
7 until it has an active state operating license;

8 (4) No persons under the age of 18 may be allowed within any medical marijuana  
9 facility or adult-use marijuana establishment, unless the individual is a qualifying  
10 patient or accompanied by his/her primary caregiver- parent or documented legal  
11 guardian;

12 (5) No medical marijuana facility or adult-use marijuana establishment shall permit  
13 the sale or dispensing of alcoholic liquor or tobacco for consumption on or off the  
14 premises;

15 (6) Operating hours for provisioning centers, retailer establishments, and  
16 microbusinesses shall not exceed the hours between 9:00 AM and 10:00 PM daily.  
17 Designated consumption establishments may operate between 9:00 AM and 2:00  
18 AM daily;

19 (7) Public and common areas must be separated from restricted and non-public areas  
20 by a permanent opaque barrier that cannot be accessed by individuals not approved  
21 as personnel.

22 **Sec. 20-6-41. License issuance.**

1 (a) When the application and proposed medical marijuana facility or adult-use  
2 marijuana establishment has been reviewed by the MLRC and a recommendation regarding the  
3 license, or an approval for a temporary marijuana event license by City Council, is provided to the  
4 Department, the Department may issue a license in writing after the license fee is paid. A license  
5 that is issued under this article shall be continually posted inside the licensed medical marijuana  
6 facility or adult-use marijuana establishment in a conspicuous location near the entrance.

7 (b) The Department may deny a license application that does not meet the requirements  
8 of this Article. The Department shall deny a license application in the following circumstances:

9 (1) The applicant, or, if the applicant is an entity, any of the direct or indirect owners  
10 of the applicant entity, is delinquent in the payment of monies owed to the City of  
11 Detroit;

12 (2) The applicant, or, if the applicant is an entity, any of the direct or indirect owners  
13 of the applicant entity, has operated a marijuana business illegally, or was the  
14 subject of an involuntary closure order for operating a marijuana business without  
15 the required license at any location.;

16 (3) The applicant, or, if the applicant is an entity, any of the direct or indirect owners  
17 of the applicant entity has misrepresented or provided false information in the  
18 license application.

19 (c) Except for a temporary marijuana event license, which shall expire at the time stated  
20 on the state operating license, the term of a license issued pursuant to this article shall be not more  
21 than one year and shall expire each year on September 30. An application to renew a license shall  
22 be made as specified in Sec. 20-6-42.

1 (d) A license issued under this article is nontransferable. A new owner or operator of a  
2 licensed business under this article must obtain a new business license in accordance with this  
3 article before the City will provide the attestation or other municipal approval required for a  
4 transfer by the State of Michigan Cannabis\_Regulatory Agency.

5 (de) If a holder of a limited license under this article desires to relocate its operations to  
6 real property other than the real property where the license was approved, then prior to such  
7 relocation, the licensee shall submit those documents described in Sec. 20-6-36(a) to the  
8 Department, which shall provide the complete file to the MLRC for review. Upon receipt of a  
9 favorable recommendation from the MLRC, and the surrender of the existing limited license to  
10 the Department, the Department shall issue a replacement limited license of the same type for the  
11 new location

12 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
13 safety and welfare of the People of the City of Detroit.

14 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
15 repealed.

16 **Section 4.** This ordinance shall become effective on \_\_\_\_\_, 20\_\_ , after  
17 publication in accordance with Sec. 4-118 of the 2012 Charter of the City of Detroit.

Approved as to Form:

  
Justice Conrad Mallet  
Corporation Counsel