

**PROPOSED MINUTES OF THE VIRTUAL & IN PERSON
SPECIAL MEETING OF THE HIGHLAND PARK CITY COUNCIL**

May 10, 2023

Council convened at 7:04 p.m. with Council President Thomas presiding.

Present: Council President Thomas, Council Pro Tem Robinson, Councilwoman Martin and Councilman Ash-Shafii (4).

Absent: Councilwoman Manica (1) excused.

A quorum being present, Council was declared in session.

The following notice was filed with the Clerk.

Written request for Special Meeting of the Highland Park City Council proposed by Councilman Khursheed Ash-Shafii, Supported by Council Member Kallela Martin.

Under the City Charter 5-3 (B) I Councilman Khursheed Ash-Shafii with the support of Council Member Kallela Martin request the Highland Park City Clerk Brenda Green to call a special meeting of the City Council for the purpose of conducting City Council business for the agenda items listed below. This special meeting of the City council shall be held at the place of regular meetings on May 10, 2023 at 7:00 p.m. Business items to be transacted at this special meeting shall be:

- 1. Motion calling for amending Highland Park Marijuana Ordinance 2020-3.**

Moved by Councilman Ash-Shafii

Supported by Council Pro Tem Robinson

To approve the attached ordinance to amend in part an ordinance entitled "Highland Park Ordinance to authorize and regulate the establishment of Medical Marijuana Facilities and Adult use marijuana Facilities" which was adopted October 5, 2020 as amended to regulate and establish medical and adult use marijuana facilities, BY AMENDING SECTION 3, SECTION 5, SECTION 6, SECTION 7, AND SECTION 8 OF THE ORDINANCE.

Yeas (3) Robinson, Martin and Ash Shafii, Nays (1) Thomas, Absent (1) Manica.

ADJOURNMENT:

Meeting adjourned at 7:04 p.m.



CITY COUNCIL

ROBERT BLACKWELL MUNICIPAL BUILDING
12050 Woodward Avenue – Highland Park, Michigan 48203
Telephone: 313 252-0050

Jamal K. Thomas, Council President
Sharmaine Robinson, Council President Pro Tem
Temeko Manica, Council Member District 1
Kallela Martin, Council Member District 2
Khursheed Ash-Shafii, Council Member District 3

May 9, 2023

Written Request for a Special Meeting of the Highland Park City Council
Proposed By Councilman Khursheed Ash-Shafii Supported By Council Member Kallela Martin

Under the City Charter Section 5-3 (B) I Councilman Khursheed Ash-Shafii with the support of Council Member Kallela Martin request the Highland Park City Clerk Brenda Green to call a special meeting of the City Council for the purpose of conducting City Council business for the agenda items listed below. This special meeting of the City council shall be held at the place of regular meetings on May 10, 2023 at 7:00pm.

Business items to be transacted at this special meeting shall be:

I. Motion calling for amending Highland Park Marijuana Ordinance 2020-3

Councilman Khursheed Ash-Shafii

Council Member Kallela Martin

CITY OF HIGHLAND PARK
MAY 10 2023 7:11

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED “HIGHLAND PARK ORDINANCE TO AUTHORIZE AND
REGULATE THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES AND
ADULT USE MARIJUANA FACILITIES ”
WHICH WAS ADOPTED OCTOBER 5, 2020, AS AMENDED,
TO REGULATE AND ESTABLISH MEDICAL AND ADULT USE MARIJUANA
FACILITIES, BY AMENDING SECTION 3, SECTION 5, SECTION 6, SECTION 7, AND
SECTION 8 OF THE ORDINANCE.**

THE CITY OF HIGHLAND PARK, WAYNE COUNTY, MICHIGAN, ORDAINS:

1. The Highland Park Ordinance Number 2020- 3 of October 5, 2020 and Republished on January 28, 2021 , as amended (hereinafter the “Ordinance”), shall be amended to [insert a brief description of the first amendment; that which is being removed, added, and/or changed], as follows, to wit:

[insert specific sections here]

2. The Ordinance shall be amended to [insert a brief description of the next amendment; that which is being removed, added, and/or changed], as follows, to wit:

[insert specific sections here]

3. [and so on]

X. **CONFLICTING ORDINANCES:** All other ordinances and parts of ordinances, or amendments thereto, in conflict with the provisions of this ordinance are hereby repealed.

XI. **RECODIFICATION:** That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance where articles are numbered within groups of ten to associate together similar articles on similar topics, and sections are numbered sequentially with the first two digits being the article number and the next two digits being the sequential section number.

XII. **EFFECTIVE DATE:** This ordinance amendment shall take effect on [date], upon publication in the [local newspaper].

This ordinance was approved at the Virtual Regular City Council meeting held Monday, October 5, 2020.

Republished January 28, 2021 with grammatical corrections

Amended ~~May~~~~April~~January _____, 2023

CITY OF HIGHLAND PARK

WAYNE COUNTY

MICHIGAN

ORDINANCE NO. 2020-~~3~~—

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES AND ADULT USE MARIJUANA FACILITIES

At a regular meeting of the City of Highland Park City Council on _____ 2020, Wayne County, Michigan, the following ordinance was adopted:

BE IT ORDAINED THAT the following ordinance authorizing the establishment, and regulating the operation, of medical marijuana facilities and adult use marijuana facilities in the City of Highland Park are adopted as follows:

Section 1. Purpose & Legislative Intent

(a) It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities and adult use marijuana facilities in the City of Highland Park and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; create and adopt an ordinance regulating commercial marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; create and adopt an ordinance regulating commercial marihuana facilities pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help offset administrative and enforcement costs associated with the operation of a marijuana facility or marijuana establishment in the City of Highland Park through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421et seq; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

(b) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421et seq; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq; the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan

Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the State of Michigan. This ordinance was approved at the Virtual Regular City Council meeting held Monday, October 5, 2020. Republished January 28, 2021 with grammatical corrections 2

(c) As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

(a) Any term defined by the Michigan Medical Marihuana Act, MCL 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, MCL 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, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

(d) Any terms defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.

(e) "City" means the City of Highland Park, Michigan.

(f) "Clerk" means the City Clerk of Highland Park, Michigan.

(g) "City Council" means the City Council of Highland Park, Michigan.

(h) "Consumption Lounge" means a licensee that is a commercial entity located in this state that provides for the ability to consume marijuana on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service.

(i) "Grower" means 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, provisioning center, or retailer.

(j) "Incubation Licensee" means a Category 1 or Category 2 Social Equity licensee who enters into an agreement with a Category 3 licensee to be provided rent-free space by the Category 3 licensee.

(k) "Incubation Space" means a property provided by a Category 3 licensee to an Incubation Licensee pursuant to this Ordinance. 3

(l) "Licensee" means a person holding a state operating license issued under the State Marihuana Acts.

(m) "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

(o) "Marijuana business" means and is inclusive of medical marijuana facilities, as defined under MCL 333.27102(l), and marijuana establishments, as defined under MCL 333.27953(h).

(p) "Marijuana establishment" means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., including a marijuana grower, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana 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, MCL 333.26421 et seq.

(q) "Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana 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, MCL 333.26421 et seq.

(r) "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.

(s) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

(t) "Processor" means 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.

(u) "Provisioning center" means 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 4 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, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

(v) "Qualifying individuals" means those persons that have been disproportionately impacted by marijuana prohibition and enforcement and which qualify pursuant to the state's Social Equity rules and guidelines.

(w) "Qualifying period" means a minimum of two (2) years following the issuance of a license.

(x) "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.

(y) "Safety compliance facility" means 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 or marihuana establishment.

(z) "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

(aa) "State operating license" or unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as one (1) of the following, as specified in the license: i. A Medical and/or Recreational Grower Classes A-C. ii. A Medical and/or Recreational processor. iii. A Medical and/or Recreational Secure transporter. iv. A Provisioning Center. v. A Retailer vi. A Microbusiness vii. A Consumption Lounge / Designated Consumption Area

(bb) "State Marijuana Acts" mean the State of Michigan Medical Marijuana Act, MCL 333.2641, et seq; the Marijuana Facilities Licensing Act, MCL 333.27101 et seq; the Marijuana Tracking Act, MCL 333.27901 et seq; and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.

Section 3. Authorization of Facilities and Fee

(a) Pursuant to the State Marijuana Acts, the City of Highland Park authorizes the 5 operation of the following marijuana businesses, provided they possess a state operating license issued under the State Marijuana Acts and they comply with the City's zoning requirements and all other applicable laws and ordinances.

(b) The maximum number of each type of marijuana facility or marijuana establishment allowed in the City of Highland Park shall be discretionary and as follows:

<u>Facility</u>	<u>Number of licenses or locations</u>	<u>License Type</u>
Class A Grower:	Maximum four (4) licenses <u>Unlimited-Industrial Zone Only</u>	May be Medical and/or Recreational.
Class B Grower:	Maximum four (4) licenses <u>Unlimited-Industrial Zone Only</u>	May be Medical and/or Recreational.
Class C Grower:	Maximum five (5) locations <u>Unlimited-Industrial Zone Only</u>	May be Medical and/or Recreational.
Processor:	Maximum four (4) licenses <u>Unlimited-Industrial Zone Only</u>	May be Medical and/or Recreational.
Secure transporter:	Maximum two (2) licenses <u>Unlimited-Industrial Zone Only</u>	May be Medical and/or Recreational.

Provisioning center:	Maximum three five (35) licenses.	Medical Only
Retailer:	Maximum three five (35) licenses.	Recreational Only.
Safety compliance facility:	Maximum one (1) license. <u>Unlimited – Industrial only</u>	May be Medical and/or Recreational.
Microbusiness:	Maximum one three (13) licenses	Recreational Only.
Consumption Lounge:	Maximum one three (13) licenses	Recreational Only.

(c) At least every one (1) year after adoption of this ordinance, the City Council shall review the maximum number of each type of marijuana facilities and marijuana establishments allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the City Council.

(d) A nonrefundable fee shall be paid by each marijuana facility or marijuana establishment licensed under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the City of Highland Park City Council.

(e) The maximum number of locations for both provisioning centers and retailers shall be capped at ~~threewe (32) total five (5)~~. A single location may serve as both a Provisioning Center and a Retailer.

Section 4. Requirements and Procedure for Issuing License

(a) No person shall operate a marijuana business in City of Highland Park without a valid marijuana facility license issued by the City of Highland Park pursuant to the provisions of this ordinance.

(b) Every applicant for a license to operate a marijuana facility or marijuana establishment shall file an application in the City office upon a form provided by the City of Highland Park. 6

(c) Every applicant for a license to operate a marijuana facility or marijuana establishment shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the State Marihuana Acts.

(d) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City shall accept the application and assign it a sequential application number based on the date and time of acceptance. The City shall act to approve or deny an application not later than ~~forty five ninety (4590)~~ days from the date the application was accepted. If approved, the City shall issue the applicant a provisional license.

(e) A provisional license means only that the applicant has submitted a valid application for a marijuana facility license or a marijuana establishment license, and the applicant shall not locate or operate a marijuana facility or marijuana establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Highland Park. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

(f) Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the City shall approve or deny the marijuana facility license or marijuana establishment license. The City Clerk shall issue marijuana facility licenses and marijuana establishment licenses in order of the sequential application number previously assigned.

(g) Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license or marijuana establishment license under this ordinance and continued operation of any marijuana facility.

Section 5. Social Equity Program

~~A Social Equity Program participant shall be eligible for one (1) of three (3) categories, as follows:~~

~~(a) To qualify for Social Equity Program Category 1, a minimum of fifty-one percent (51%) of the applicant's business must be owned and operated by one or more Qualifying Individuals who will hold such interest for a minimum of two (2) years after the Qualifying Period and who meet one of the following criteria:~~

- ~~i. A current or former resident of the City for a continuous period of no less than three (3) years.~~
- ~~ii. A resident of a state approved social equity municipality.~~

~~(b) To qualify for Social Equity Program Category 2, a minimum of thirty three percent (33%) of the applicant's business must be owned and operated by one or more Qualifying Individuals who will hold such interest for the Qualifying Period and who meet one of the following criteria:~~

- ~~i. A current or former resident of the City for a continuous period of no less than three (3) years.~~
- ~~ii. A resident of a State approved social equity municipality.~~

~~(c) To qualify for Social Equity Program Category 3, a license holder shall enter into an Incubation Agreement as provided in Section 5 (e) below.~~

~~(d) Applicants for Social Equity Program Categories 1 and 2 shall not submit applications to obtain more than one license per license category for a marijuana business (e.g., cultivation, processing, retail) in the City.~~

~~(e) A Category 3 licensee shall enter into an Incubation Agreement with a Category 1 or Category 2 Incubated Licensee to provide Incubation Space for the Incubated Licensee's~~

~~marihuana business for a minimum period of two (2) years. The Category 3 Licensee shall provide Incubation Space that meets all of the following requirements:-~~

~~i. Compliance with all land use requirements in and according to local law and regulation.-~~

~~ii. The Incubation Space provided meets all state statutes and regulations related to the separation of co-located marijuana businesses.-~~

~~(f) The City may, at its sole discretion, approve a fee to be paid by the Category 3 licensee to one or more Category 1 or Category 2 licensees in lieu of providing incubation space. Such determination shall be made by the City Council.-~~

~~(g) The City shall issue guidance on acceptable forms of evidence of Category 1-3 eligibility.-~~

~~(h) Category 1-3 licensees may be eligible to receive the following benefits:~~

~~i. Expedited license processing for initial applications and renewal applications.-~~

~~ii. Waiver or reduction of application fees.-~~

~~iii. Waiver or reduction of land use entitlement fees, permit fees, and inspection fees.-~~

~~iv. Payment of a Category 1 or Category 2 license or application fees by a Category 3 licensee.-~~

~~(i) Available licenses pursuant to Section 3 shall be specifically reserved for award to Social Equity program participants as follows:~~

<u>Facility</u>	<u>Number of Licenses Reserved</u>
Class A Grower:	Zero (0)
Class B Grower:	Zero (0)
Class C Grower:	One (1) reserved for Category 3 program participant. One (1) reserved for Category 1, 2, or 3 program participant.
Processor:	Maximum two (2).
Secure transporter:	One (1) reserved for Category 1, 2, or 3 program participant.
Provisioning center:	One (1) reserved for Category 1, 2, or 3 program participant.
Retailer:	Zero (0)
Safety compliance facility	Zero (0)
Microbusiness:	Three (3) reserved for Category 1 and 2 program participant
Consumption Lounge:	Three (3) reserved for Category 1 and 2 program participant

Section 6. License Application Submission

(a) Each marihuana business must be licensed by the City. Applications for a license shall be made in writing to the Cannabis Regulatory Commission City Clerk. All applications submitted to the Cannabis Regulatory Commission City Clerk in accordance with the provisions of this

Ordinance shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this Ordinance of the same or different natures simultaneously, as permitted by law.

(b) A complete application for a license or licenses required by this Ordinance shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:

1. If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
2. If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.
3. The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.
4. The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the Cannabis Regulatory Commission City-Clerk.
5. Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies for every applicant, licensee, stakeholder, and employee to the Cannabis Regulatory Commission City-Clerk within five business days of receipt.
6. An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.
7. A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:
 - i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and
 - ii. A current organization chart that includes position descriptions and the names of each person holding each position.
8. One of the following: (a) proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of any lease for the premises.
9. Verify compliance with State-mandated security measures as outlined in the MMFLA or MRMTA.

10. A floor plan and security plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.

11. Material Safety Data Sheets for each hazardous chemical to be stored at the marijuana business, if any.

12. Verify compliance with State-mandated marketing and advertising restrictions as outlined in the MMFLA or MRTMA.

~~13. A location area map of the marihuana operation and surrounding area that identifies the relative locations and the distances, measured pursuant to the to the buffered uses set forth in Section 7.~~

~~i. For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use 10 nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Provisioning Centers and Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.~~

14. An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.

15. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use 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, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.

16. Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least \$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with State law. The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.

17. Proof of a surety bond in the amount of \$50,000.00 with the City listed as 11 the obligee to guarantee performance by applicant of the terms, conditions and obligations of this Ordinance in a manner and surety approved by the City Attorney.

18. Projected or actual total planned investment into the City and commitments for future community involvement in the City.

19. An estimate of the number and type of full-time equivalent jobs that the marijuana operation expects to create and the amount and type of compensation for each position, including benefits.

20. Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marijuana.

21. Execution of the Financial Resources Litigation History form made available by the City Clerk.

22. Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.

23. Any other information requested by the Cannabis Regulatory Commission ~~City Clerk~~ to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.

24. There is an ongoing obligation to provide updated information to the Cannabis Regulatory Commission ~~City Clerk~~. Should there be a change to any portion of an application, the applicant must advise the Cannabis Regulatory Commission ~~City Clerk~~ within seven (7) days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.

25. General Scoring Criteria (100 points Total)

A. BUSINESS PLAN (25 PTS)

1. Operations (5 pts)

2. Waste Management (5 pts)

3. Safety and Nuisance Mitigation (5 pts)

4. Training (5 pts)

5. Security Plan (5 pts)

B. DUE DILIGENCE (25 PTS)

1. MRTMA Entity Prequalification (10 pts) Site Plan and Floor Plans for Proposed Location (10pts)

2. Income Tax Clearance (5 pts)

3. Blight Clearance (5 pts)

4. No history of illegal operation or existing violations (5 pts)

C. COMMUNITY PLAN (4025 PTS)

1. Complete a "Community Relations/Benefits Plan" (320 pts)

2. Leadership roles in duly established and licensed (if applicable) Highland Park-based businesses, nonprofits, religious organizations, educational institutions, philanthropic organizations, community block clubs or neighborhood groups. (105 pts)

D. DEVELOPMENT AND INVESTMENT (10 PTS)

1. Redevelopment of an abandoned or delapidated building (10 pts) or

2. Investment of \$500,000 or more in the development. (510 pts)

3. Beautification of the property, landscaping

(c) Upon receipt of a completed application meeting the requirements of this section 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 City Attorney, the Building Safety Office, the Police Department, Cannabis Regulatory Commission, and the City Treasurer.

(d) No application shall be approved unless:

i. The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Ordinance.

ii. The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City, including but not limited to, non-payment of property taxes.

iii. The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.

iv. The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

(e) The Cannabis Regulatory Commission Clerk shall assess, evaluate, score and rank all complete applications for each license type according to the provisions of this Ordinance.

(f) The Cannabis Regulatory Commission's Clerk's assessment, evaluation, score, and rank of each required application that requires scoring shall be based upon a scoring-criteria ~~created by the Clerk consistent~~indicated above in this ordinance with the requirements and conditions of this Ordinance.

(g) Applicants shall be ranked and those with the highest scores shall be awarded available licenses. In case of a tie for limited licenses, the Commission shall present the tied applicants along with their full application to the Council who shall decide by majority vote the winning applicant.

Section 7. Location Requirements.

(a) Marijuana Businesses shall only be located in one of the following Marihuana Business Districts:

~~1. Hamilton Overlay. Hamilton Avenue on the east and west side of the street, from McNichols Road to Tuxedo Street Glendale Louise St., excluding Davison to W Buena Vista Street. McNichols Overlay. McNichols Road east of Woodward Ave to I-75 freeway. Hamilton Avenue on the east and west side of the street, from McNichols Road to Tuxedo Street, excluding Davison to W Buena Vista Street.~~

~~2. Along Midland Street, located on the north and south side of the street, starting at West Hamilton Avenue and continuing to the city limits.~~

~~Tennyson south~~ 3. Along Victor Street, located on the north and south side of the street, starting at Woodward Avenue and continuing to the city limits.

3. Oakland Overlay: Along the east and west side of Oakland Avenue, starting at Davison Freeway and continuing to McNichols Road.

4. Along the east side of Woodward Avenue and continuing to the T alley, starting on the northeast side of the Davison Freeway and continuing to Gerald Street.

5. Along the north and south side of Manchester Avenue, starting at Woodward Avenue and continuing east to the city limits.

6. Along the south side of East and West McNichols Road, starting at Woodward Avenue and continuing east to the city limits.

7. Along the east and west side of Oakland Avenue, starting at Davison Freeway and continuing to McNichols Road.

8. Along the north side of Oakman Boulevard at Hamilton west and continuing to the city limits.

9. ~~3.~~ Oakland Overlay: Along the east and west side of Oakland Avenue, starting at Davison Freeway and continuing to McNichols Road.

10. Woodward Overlay. Along the east and west sides of Woodward Ave, starting at Gerald street, both sides, and ending on the south side of Davison.

11. McNichols Overlay. McNichols Road east of Woodward Ave to I-75 freeway.

(b) No Marijuana Business shall be located within:

1. Five hundred (500) feet, of the following buffered uses: an operational school, including a prekindergarten that is located within a school; or a commercial child-care organization that is registered with the State, a park with playground equipment or as designated by the City of Highland Park, a religious institution or place of worship, arcade, or land zoned R-1H Historical, C Institutional and Civic.

~~2. Notwithstanding the above, an applicant to operate a marihuana business may apply for and be granted a variance in accordance with local law and regulation. Such application for a variance shall include attestation of neighborhood support and approval of the proposed marihuana business location. Notwithstanding the above, The Marijuana Regulatory Commission Cannabis Regulatory Commission shall may allow a 10% distance waiver from a religious institution if approved by a majority of members.~~

Section 8. Establishment of ~~Marihuana Regulatory Commission~~ Cannabis Regulatory Commission.

(a) A ~~Marihuana Regulatory Commission~~ Cannabis Regulatory Commission shall be established within ~~twenty one~~ forty-five (2145) days of adoption of this amended ordinance. The ~~Marihuana Regulatory Commission~~ Cannabis Regulatory Commission may be reasonably compensated for its services. City Council shall determine the appropriate structure for such compensation to the ~~Marihuana Regulatory Commission~~ Cannabis Regulatory Commission, if any. This Commission shall replace any and all existing Marihuana Regulatory Commissions or similar entities who were appointed under the original ordinance for the City of Highland Park.

(b) ~~The Marihuana Regulatory Commission~~ Cannabis Regulatory Commission shall be composed of three (3) persons, two (2) of which shall be City of Highland Park residents, and which shall be appointed by the City Council and which shall be effective for a period of three (3) years.

The ~~Marihuana Regulatory Commission~~Cannabis Regulatory Commission shall be composed of seven persons (7). Four (4) of which shall be City of Highland Park residents – Where One(1) shall be appointed by the mayor and three (3) appointed by City Council which shall include one current council member. The remaining three (3) members shall be the Director of the Planning Commission, the Director of the Buildings Department, and a attorney appointed by City Council who shall serve as Chair of the Commission which can be a non resident member.

Within 48 hours after adoption of this ordinance the city clerk shall begin to accept applications for the ~~Marihuana Regulatory Commission~~Cannabis Regulatory Commission. The Clerk shall stop accepting applications after 7 days and shall make available all received applications to city council no later then 48 hours after the application process has ended. City council shall call a special session to hold interviews of applicants within 5 days after receiving applications from city clerk. The commission shall be appointed by vote of the city council no later than 21 days after adoption of this ordinance. The Mayor shall give the the city council and the city clerk written notice of her appointed member to the ~~Marihuana Regulatory Commission~~Cannabis Regulatory Commission no later than 4pm, 14 days after adoption of this ordinance. If the mayor fails to appoint within the 14 day time frame then council shall appoint for her within 7 days immediately following the mayors 14 day deadline. The Commission shall hold its first meeting within 7 days after its creation. The Commission shall begin accepting applications for all marihuana facilities no later then 5 days after its creation~~Cannabis Regulatory Commission~~. The Marihuana Commission must approve applicants for a retail or provisioning center within 30 days after the application process has ended.

(c) The ~~Marihuana Regulatory Commission~~Cannabis Regulatory Commission shall be tasked with the following:

- i. Report the outcome of all pending grants, applications, community benefits, and community reinvestment in the City, through memoranda published monthly.
- ii. Provide additional reports regarding the status of the Marihuana Business applications and operational Marihuana Businesses as determined by the ~~Marihuana Regulatory Commission~~Cannabis Regulatory Commission (published monthly).
- iii. Coordinate with the Clerk, Police Department, City Attorney's Office. and other City Administration to uphold the integrity of Marihuana Business operations and to ensure that Marihuana Business licensees adhere to any and all commitments or representations made in its initial or renewal applications for licensure.

Section 9. License Renewal & Revisions

- (a) A marijuana facility license shall be valid for one (1) year from the date of issuance, unless revoked as provided by law.

(b) A valid marijuana facility license or marijuana establishment license may be renewed on an annual basis by submitting a renewal application upon a form 14 provided by the City of Highland Park and payment of the annual license fee. Applications to renew a marijuana facility license or marijuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.

(c) The transferring of a marijuana facility license or marijuana establishment license which only changes the listed applicant to a different entity or person is allowed with the submittal of:

- i. Document consisting of a notarized and original signatures;
- ii. State of Michigan Licensing and Regulatory Affairs Department document indicating approval of applicant or applicant's entity of Department's Step 1: Prequalification Document Checklist; and
- iii. Payment of a new annual license fee as established by this ordinance.
- iv. Compliance by the license transferee with any commitment and / or representation made by the previous license holder(s) as part of its application.

Section 10. Applicability

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

Section 11. Prohibitions and Restrictions

(a) It is prohibited to produce, distribute, or possess marijuana in violation of any applicable State Marijuana Acts or local ordinance.

(b) It is prohibited to allow the sale or consumption of any alcoholic beverages at any marijuana facility or marijuana establishment.

(c) Only a Licensee may operate as a Marijuana Business within the City of Highland Park. The Licensee must conspicuously display its State License and City License in the Marijuana Business where it is easily open to public view.

(d) Any violation of any State Marijuana Law shall be deemed a violation of this Ordinance.

Section 12. Penalties and Enforcement

(a) Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this Ordinance 15 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.

(b) A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Highland Park may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

(c) This Ordinance shall be enforced and administered by the City or such other City officials as may be designated from time to time by resolution of the City Council.

Section 13. Severability

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

Section 14. Effective Date

This Ordinance shall take effect thirty (30) days after first publication in accordance with applicable law.

CERTIFICATE

I, hereby certify that the attached is a copy of the proposed minutes of the In-Person and Virtual Special Meeting held the 10th day of May 2023 and that said minutes are available for public inspections at the address designated on the posted public notice.

A handwritten signature in blue ink that reads "Brenda Green". The signature is written in a cursive style and is positioned above a solid horizontal line.