

# CITY OF MARQUETTE, MICHIGAN

## CITY COMMISSION POLICY

Policy Number:	2021-01	Revision Date:	
Date Adopted:	October 25, 2021		
Department:	City Commission		

**SUBJECT: GUIDELINES FOR PUBLIC AND PRIVATE MARIHUANA EVENTS**

**PURPOSE:** To provide an orderly process for state licensed marihuana event organizers to request approval of a location in the City of Marquette for a temporary marihuana event on public or private property.

**POLICY:**

The City of Marquette wishes to provide an orderly process for state licensed marihuana event organizers to obtain temporary marihuana event licenses and to request approval of locations for temporary marihuana events, as required by state law. Marihuana events – events where the onsite sale or consumption of marihuana products, or both, are authorized – have the potential to require City resources to guarantee safety. In addition, marihuana events have the potential to adversely impact surrounding neighborhoods and may challenge the capacity of available manpower, facilities, and other necessary items needed to support the activity.

This policy is separated into two sections; Events on Public Property and Events on Private Property.

### Events on Public Property

Due to event size, designated marihuana buffers, location and availability of facilities and services, the following City park sites are deemed to be the only appropriate venues for temporary marihuana events: Tourist Park, Lakeview Arena and Presque Isle.

In order to apply for use of any City property for a temporary marihuana event, the following process has been established to provide for an orderly and timely review. This process is an expanded version of the existing Special Event Permit process.

1. Event organizer shall submit a completed special event permit application (along with a completed temporary marihuana event license application) to the Community Services Department, Parks and Recreation Division at least 120 calendar days prior to the event. The City will respond to the request with an approval or denial within 25 calendar days of the date of application.
2. The temporary marihuana event license application will contain:
  - a. Name of the applicant. For applicants who are individuals, the applicant shall provide both the first and last name of the individual. For applicants who are business entities, the applicant shall provide the legal business name of the applicant, and the state in which the applicant was legally formed.
  - b. State of Michigan Marijuana event organizer license number.
  - c. A list of all licenses and employees that will be providing onsite sales of marihuana products at the temporary marihuana event. If the list of licensees and employees participating in the temporary marihuana event changes after the application is submitted or after the temporary marihuana event license is issued, the applicant shall submit an updated list and an updated diagram to the agency not less than 72 hours before the event. Licensees not on the list submitted to the agency shall not participate in the temporary marihuana event.
  - d. Desired location of the temporary marihuana event
  - e. A diagram of the physical layout of the temporary marihuana event identical to the layout that will be submitted with the state event application
  - f. The dates and hours of operation for which the temporary marihuana event license is being sought. A temporary marihuana event license is required for any event in which the applicant engages in onsite marihuana product sales or allows onsite marihuana product consumption.
  - g. Contact information for the applicant's designated primary contact person regarding the temporary marihuana event license, including the name, title, address, phone number, and email address of the individual.
  - h. Contact information for a designated contact person(s) who shall be onsite at the event and reachable by telephone at all times that the event is occurring.
  - i. 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, 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.
  - j. A description of the type of marihuana consumption that will be occurring (i.e. smoking, vaping, edibles).
  - k. Any other information which may be required by the Community Services Department or City Clerk.

3. The temporary marihuana event application will be accompanied by a non-refundable fee set by City Commission resolution. This fee will be in addition to the special event permit fee and all other additional rental, and public safety costs.
4. Community Services Department, Parks and Recreation Division shall administer all temporary marihuana licenses and special event permits for temporary marihuana events on public property.
5. All temporary marihuana event licenses, with the corresponding special event permits, will be circulated to appropriate department heads prior to the event license and permit being issued.
6. If use of the park or City facility is approved, the event organizer and their representatives shall be required to attend a meeting, including a site walk through, prior to opening the event to the public with the Community Services Director or his/her designee and any necessary officials to ensure public health and safety.
7. All applicants shall submit proof of insurance at least 30 days prior to the event naming the City of Marquette as additional insured with coverage acceptable to the City Attorney. Applicant shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability cost and/or expense, including but not limited to, interest, penalties, expenses, and attorneys' fees, asserted against, imposed upon or incurred by the City caused in any way by the temporary marihuana event allowed by the permit.
8. After staff review, the Community Services Director or his/her designee shall approve or deny temporary marihuana license applications based on fulfillment of all specifications detailed in this policy. Scheduling of park facilities shall be conducted by the Community Services Director or his/her designee. Once an application is approved administratively, a Special Events Permit application must still be approved by the City Commission.
9. A person or group that receives an administrative denial of a temporary marihuana event license may appeal to the City Manager in writing, stating reasons why the permit should be granted. The City Manager or designee shall respond in writing within 10 days to grant or deny the permit.
10. A temporary marihuana event license may be revoked in writing at any time by the City Manager if it is determined that the holding of the event authorized by the permit may endanger or threaten public health, safety and welfare, or there has been a misrepresentation in the application or any material by the applicant, or there has been a failure to follow this policy, or other City policy/ordinance, State law, or any condition attached to a permit.
11. Following approval by the Community Services Director, an agenda item will be prepared for an upcoming City Commission Meeting for approval of the special event permit.
12. Following approval by the City Commission, the State attestation form showing the municipal authorization of a temporary marihuana event will be provided to the applicant.
13. The license issued according to this policy and Marquette City Code must be prominently displayed on the premises of the temporary marihuana event.

#### Additional Guidelines

##### Tourist Park-

- The intent of the City of Marquette is to strike a balance between use of City Parks for organized events and recreational enjoyment in order to protect all City Parks for their primary purpose of passive recreation. For this reason, temporary marihuana events will

only be permitted in Tourist Park if the event organizer has rented the entire park, including all campsites, for the special event. Reservations for the park are first come, first served and applicants are encouraged to contact Community Services early to secure dates that do not have existing reservations. Additionally, Tourist Park will only be available for temporary marijuana events during the months of May and October.

- Event holders wishing to utilize Tourist Park for a temporary marijuana event must meet with the Community Services Director or his/her designee in order to arrange for the entire park to be reserved.

#### Presque Isle Park-

- Temporary marijuana events are permissible in indoor rentable park facilities.
- All building capacity guidelines must be strictly adhered to for any event.
- No smoking or vaping of any kind is permitted on Presque Isle Park.

#### Lakeview Arena

- Temporary marijuana events are permissible in rentable building facilities.
- All building capacity guidelines must be strictly adhered to for any event.
- No smoking or vaping of marijuana products are permitted on the premises or parking lot of Lakeview Arena.

#### Events on Private Property

In order to apply for use of private property for a temporary marijuana event, the following process has been established to provide for an orderly and timely review.

1. Event holder shall submit a completed temporary marijuana event license application to the City Clerk's Office at least 120 calendar days prior to the event. The City will respond to the request with an approval or denial within 25 calendar days of the date of application.
2. The temporary marijuana event license application will contain:
  - a. Name of the applicant. For applicants who are individuals, the applicant shall provide both the first and last name of the individual. For applicants who are business entities, the applicant shall provide the legal business name of the applicant and the state in which the applicant was legally formed.
  - b. Marijuana event organizer license number
  - c. Each marijuana establishment license held by the applicant
  - d. Desired location of the temporary marijuana event
  - e. Name of the temporary marijuana event
  - f. A diagram of the physical layout of the temporary marijuana event identical to the layout that will be submitted with the state event application
  - g. The dates and hours of operation for which the temporary marijuana event license is being sought. A temporary marijuana event license is required for any date in which the applicant engages in onsite marijuana product sales or allows onsite marijuana product consumption.

- h. Contact information for the applicant's designated primary contact person regarding the temporary marihuana event license, including the name, title, address, phone number, and email address of the individual.
  - i. Contact information for a designated contact person(s) who shall be onsite at the event and reachable by telephone at all times that the event is occurring.
  - j. A list of all licensees and employees that will be providing onsite sales of marihuana products at the temporary marihuana event. If the list of licensees and employees participating in the temporary marihuana event changes after the application is submitted or after the temporary marihuana event license is issued, the applicant shall submit an updated list and an updated diagram to the agency not less than 72 hours before the event. Licensees not on the list submitted to the agency shall not participate in the temporary marihuana event.
  - k. 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.
  - l. A description of the type of marihuana consumption that will be occurring (i.e. smoking, vaping, edibles).
    - i. If the intended form of consumption includes smoking or vaping, all State laws and local ordinances regarding indoor smoking and vaping must be followed.
    - ii. This permit does not give the permit holder the right to hold an event in violation of smoking/vaping rules present at the event location.
  - m. A signed acknowledgement stating no temporary marihuana event may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or audit the books and records of the marihuana establishment.
  - n. Any other information which may be required by the City Clerk.
3. The temporary marihuana event will be accompanied by a non-refundable fee set by City Commission resolution that is in addition to all other event, rental, and additional public safety costs.
  4. The City Clerk's Office shall administer all license applications for temporary marihuana events on private property.
  5. All license applications will be circulated to all department heads prior to the event permit being issued.
  6. The City Clerk or his/her designee shall approve or deny event applications after staff review based on fulfillment of all specifications detailed in this policy.

7. The event holder shall submit proof of insurance at least 30 days prior to the event. The event holder shall indemnify, defend and hold harmless the City from and against any demand, claim, action or cause of action, assessment, loss, damage, liability cost and/or expense, including but not limited to, interest, penalties, expenses, and attorneys' fees, asserted against, imposed upon or incurred by the City caused in any way by the temporary marihuana event allowed by the permit.
8. A person or group denied a permit is encouraged to discuss the denial with the City Clerk or his/her designee in hope of resolving the conflict. If a resolution cannot be reached, said person or group may appeal to the City Manager in writing, stating reasons why permit should be granted. The City Manager shall respond in writing within 10 days to grant or deny the permit.
9. A permit may be revoked in writing at any time by the City Manager if it is determined that the holding of the event authorized by the permit is no longer in the best interest of the public health, safety and welfare, or there has been a misrepresentation in the application or any material by the applicant, or there has been a failure to follow this policy, or other City police/ordinance, State law, or any condition attached to a permit.
10. Following approval by the City Clerk, an agenda item will be prepared for an upcoming City Commission Meeting for approval of the requested location for only the requested dates.
11. The event holder will be required to provide written notice of the event to adjacent property owners, and provide proof of this contact, prior to the City Commission meeting where the agenda item is reviewed.
12. Following approval by the City Commission, the State attestation form showing the municipal authorization of a temporary marihuana event will be provided to the applicant.
13. The license issued according to this policy and City Code must be prominently displayed on the premises of the temporary marihuana event.



## ***Resolution Establishing Fees for Temporary Marihuana Event Licenses***

**WHEREAS**, temporary marihuana events will require hours of City staff time to prepare licenses, assemble information, meet and discuss requests, conduct fire inspections, enforce public safety standards, and prepare follow-up reports and communications; and,

**WHEREAS**, the City of Marquette is authorized by the Michigan Regulation and Taxation of Marihuana Act to charge an annual fee of not more than \$5000 to defray application, administrative and enforcement costs associated with the operation of marijuana establishments in the municipality; and,

**WHEREAS**, an appropriate non-refundable municipal license application fee as established by resolution is a required component of the adult-use marihuana license application as set by Ordinance #682; and,

**WHEREAS**, the City Commission believes it is important that the actual costs associated with these services are not subsidized by the general taxpayer;

**NOW THEREFORE BE IT RESOLVED**, that fees for temporary marihuana event licenses be established as follows:

### Fee Schedule:

Fee is non-refundable once an application for a temporary marihuana event has been submitted to the Community Services Office or the City Clerks Office, depending on the location of the event. A state attestation form and City Permit will be issued after the event location is approved by the City Commission. A municipal license for a temporary marihuana event will only be valid during the days indicated on the license.

A \$500 per day fee is set for a temporary marihuana event permit as identified in City Ordinance #682 and Commission Policy 2021-01, with an additional \$200 for each licensee authorized to sell marihuana products at the event. The \$500 per day fee will be due upon submission of the application along with the corresponding special event permit fee. The additional \$200 per licensee authorized to sell marihuana products will be due one week prior to the start of the event after all additional licensees have been finalized. This fee does not include any additional rental and public safety costs that are determined during the special event permit review process.

Duly adopted by the Commission on October 25, 2021.

Certified to be a true copy on October 25, 2021.

  
\_\_\_\_\_  
Jennifer A. Smith, Mayor

  
\_\_\_\_\_  
Kyle Whitney, City Clerk



***Resolution Designating Public Venues for Temporary Marijuana Event Licenses***

**WHEREAS**, R 420.25(5) of the administrative rules promulgated by the Marijuana Regulatory agency under the authority of the Michigan Regulation and Taxation of Marijuana Act states “A temporary marijuana event may only be held at a venue expressly approved by a municipality for the purpose of holding a temporary marijuana event.”; and,

**WHEREAS**, Section 5-15 of the Marquette City Code states “Temporary marijuana events may only be held at venues identified by resolution of the Marquette City Commission.”; and,

**NOW THEREFORE BE IT RESOLVED**, Lakeview Arena, Presque Isle Park, and Tourist Park are identified as venues that can host temporary marijuana events in accordance with City Commission policy.

Duly adopted by the Commission on October 25, 2021.

Certified to be a true copy on October 25, 2021.

\_\_\_\_\_  
Jennifer A. Smith, Mayor

\_\_\_\_\_  
Kyle Whitney, City Clerk