CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT LICENSE APPLICATION

When submitting this application, you must include:

☐***Marihuana event organizer license number***
☐***List of all licenses and employees providing onsite sales of marihuana products***
☐***Diagram of event layout***
☐***Proof of Insurance***
☐***Copy of a Government-Issued ID***
☐***Required Fee***

(IF APPLICANT IS NOT AN INDIVIDUAL, COMPLETE THE FOLLOWING FOR EACH PERSON HOLDING OWNERSHIP INTEREST IN THE APPLICANT, AND THEN COMPLETE FOLLOWING PAGE)

APPLICANT/ ORGANIZER NAME: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

STATE LICENSE NUMBER: _____

EVENT NAME: _____

EVENT DATE AND TIME: _____

EVENT LOCATION: _____

(If different than above applicant)

PRIMARY EVENT CONTACT NAME AND TITLE: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

ADDRESS: _____

_____ _____

APPLICANT SIGNATURE DATE

CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT LICENSE APPLICATION

(PROVIDE THE FOLLOWING INFORMATION FOR A DESIGNATED CONTACT PERSON WHO SHALL BE ONSITE AT THE EVENT AND REACHABLE BY TELEPHONE AT ALL TIMES THAT THE EVENT IS OCCURING)

DESIGNATED CONTACT PERSON:_____

APPLICANT/OWNER ADDRESS:_____

PHONE NUMBER:_____

EMAIL ADDRESS:_____

_____ _____

APPLICANT SIGNATURE DATE

CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT LICENSE APPLICATION

PROVIDE A LIST OF ALL STATE LICENSED VENDORS (INDIVIDUALS/BUSINESS) THAT WILL BE PROVIDING ONSITE SALES OF MARIHUANA PRODUCTS DURING THE TEMPORARY MARIHUANA EVENT.

1) _____

2) _____

3) _____

4) _____

5) _____

CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT LICENSE APPLICATION

PROVIDE A LIST OF ALL LICENSEES (INDVIDUALS/BUSINESSES) AND THEIR EMPLOYEES THAT WILL BE PROVIDING ONSITE SALES OF MARIHUANA PRODUCTS. IF THE LIST OF LICENSEES AND EMPLOYEES PARTICIPATING IN THE EVENT CHANGES AFTER THE APPLICTION IS SUBMITTED OR AFTER THE TEMPORARY MARIHUANA EVENT LICENSE IS ISSUED, SUBMITT AN UPDATED LIST AND UPDATED DIAGRAM NO LESS THAN 72 HOURS BEFORE THE EVENT

ADDITIONAL LICENSEE / BUSINESS NAME: _____

ADDTIONAL LICENSEE PHONE NUMBER: _____

EMPLOYEE NAME: _____

EMPLOYEE NAME: _____

EMPLOYEE NAME: _____

EMPLOYEE NAME: _____

EMPLOYEE NAME: _____

Submit additional pages as needed.

CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT LICENSE APPLICATION

PROVIDE A DESCRIPTION OF THE TYPE OF MARIHUANA CONSUMPTION THAT WLL BE OCCURING (I.E. SMOKING, VAPING, EDIBLES).

_____

_____

_____

_____

_____

Diagram of the physical layout of the private temporary marihuana event

The layout should be identical to the layout that will be submitted with the state event application. An alternative to this form, you may submit a digital rendering of the layout.

CITY OF MARQUETTE
TEMPORARY MARIHUANA
PRIVATE EVENT
LICENSE APPLICATION SIGNATURE SHEET

I, _____, am aware and understand that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transportation, 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 me, as applicant, from abiding by the provisions, requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith.

Further, I hereby waive and forever release any claim, demand, action, legal redress, or recourse against the City of Marquette, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that I may incur as a result of violation by myself, stakeholders and agents of those laws, rules, and regulations.

Further, I am aware and understand that 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.

Finally, I hereby attest that I have read this application packet, including relevant sections of the Marquette City Code and City Commission Policy and agree to abide by the requirements detailed therein.

_____ _____

APPLICANT SIGNATURE DATE

This application will be reviewed by the Police Chief, the Fire Chief, the Treasurer and the Planner/Zoning Official of the City of Marquette, and must receive their endorsement prior to any license being issued by this office. Allow up to 60 business days for this process to conclude.

ORDINANCE #682
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 5 – MARIHUANA

The City of Marquette Ordains:

SECTION 1. Repeal and Adoption.
Chapter 5 – MARIHUANA is hereby repealed.

New Chapter 5 – MARIHUANA is adopted as follows:

Sec. 5-1. – 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").

This ordinance shall be known and may be cited as the City of Marquette Regulation of Adult-Use Marihuana Establishments ordinance.

Sec. 5-2. – Definitions

The words and phrases used in this ordinance shall have the following meanings, or the meanings ascribed in the Act or the state rules, unless the context clearly indicates otherwise:

Child care center or day care center means a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. All child care centers and day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."

Child care or day care, family home means a private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a

calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Child care or day care, group home means a private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Department means the Michigan Department of Licensing and Regulatory Affairs.

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.

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.

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:

1. 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;
2. industrial hemp; or
3. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana concentrate means the resin extracted from any part of the plant of the genus cannabis.

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.

Marihuana event organizer means a person licensed to apply for a temporary

marihuana event license under the state rules.

Marihuana grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:

1. Class A – not more than 100 marihuana plants;
2. Class B – not more than 500 marihuana plants;
3. Class C – not more than 2000 marihuana plants;
4. Excess marihuana grower – issued to a person who holds 5 stacked Class C licenses

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

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.

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.

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.

Marihuana secure transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

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 Marquette.

Municipality means the City of Marquette.

Person means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

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.

Provisional License means a certification provided by the City of Marquette 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.

Religious Institution means an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

School means a public or private licensed institution where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12.

State rules means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.

State license means a license issued by the Department that allows a person to operate a marihuana establishment.

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. 5-3. – Authorization of Marihuana Establishments

1. 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. The establishments authorized pursuant to this ordinance are relating only to the Act:
    a. Class A Marihuana Grower
    b. Class B Marihuana Grower
    c. Class C Marihuana Grower
    d. Excess Marihuana Grower
    e. Marihuana Processor
    f. Marihuana Retailer
    g. Marihuana Safety Compliance Facility
    h. Marihuana Secure Transporter
    i. Marihuana Microbusiness
    j. Temporary Marihuana Event
    k. Designated Marihuana Consumption Establishment

Sec. 5-4 – License Required for Recreational Marihuana Establishment

1. It shall be unlawful to operate a marihuana establishment or a temporary marihuana event in the City of Marquette, without first obtaining a municipal license to operate pursuant to this ordinance, having a validly issued state license in good standing, and having paid all applicable fees.
2. No person who is employed by the city, acts as a consultant for the city or acts as an advisor to the city, and is involved in the implementation, administration or enforcement of this ordinance shall have an interest, directly or indirectly, in a

Marihuana Establishment.

Sec. 5-5 – Permitted Locations

1. All municipal licenses for marihuana establishments shall be issued for a specific physical location, which shall be designated as the licensed premises. The permissibility of a license in a specific location is contingent on the requirements provided in the City of Marquette Land Development Code.
2. A license for a temporary marihuana event will only be granted if the event is proposed in a venue expressly approved by resolution of the Marquette City Commission for the purpose of holding a temporary marihuana event.

Sec. 5-6 – Buffering Requirements

1. A municipal license for a marihuana establishment or a temporary marihuana event shall only be issued if the proposed establishment meets with the following buffering requirements. Marihuana establishments or temporary marihuana events shall not be located within:
    a. An area zoned exclusively for residential use;
    b. 500 feet of a school, as measured from the parcel lines of the individual properties;
    c. 500 feet of a religious institution, as measured from the parcel lines of the individual properties;
    d. 500 feet of a Substance Abuse Disorder Program licensed by the State of Michigan;

Sec. 5-7 – Provisional License; Municipal License to Operate Marihuana Establishment

1. The city clerk shall act to approve or deny an application not later than sixty (60) days from the date the completed application – complying with the requirements of Sec. 5-8 – is filed. If approved, the clerk shall issue the applicant a provisional license, which does not convey the ability to operate a marihuana establishment.
2. 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.
3. 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.
4. Municipal licenses will be issued for the term of one year and will run concurrently with the term of the applicant's state license. Municipal licenses may be renewed upon receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing. Successive renewals will each be valid for one year.
5. A municipal license for a temporary marihuana event will only be valid during the days indicated on the state license.
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.

Sec. 5-8 – 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 upon a form provided by the clerk. The application shall include:
    a. The appropriate nonrefundable municipal license application fee, as established by City Commission 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. The name and address of the proposed marihuana establishment;
    e. 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;
    f. A copy of the Special Land Use Permit issued by the City of Marquette Planning Commission;
    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;
    h. 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
    i. Any other information which may be required by the clerk.
2. No person shall be issued a municipal license without first having obtained from the

City of Marquette Planning Commission a Special Land Use Permit authorizing the operation of the establishment pursuant to the City of Marquette Land Development Code.

3. Upon an applicant's completion of the above-described form and furnishing of all required information and materials, the city clerk shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance.
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 5-3 of this ordinance, the clerk shall refer a copy of the application to each of the following for their review and approval: the police chief or designee, the fire chief or designee, the city treasurer or designee and the zoning administrator or designee.
6. A municipal license will not be granted until the application materials have been reviewed and approved by the Fire Department, which will inspect the plans of the proposed location for compliance with all laws for which they are charged with enforcement, and the fire chief or his designee has conducted all inspections deemed necessary.
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 Marquette City Police Department.
8. A municipal license will not be granted until the city treasurer verifies, in compliance with chapter 12 of the Marquette City Code, that the applicant does not owe to the city any taxes or other default.
9. 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.

Sec. 5-9 – License Denial; Appeal

1. Should the city clerk deny an application, the applicant shall have 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 14 days from the mailing of a decision by the city manager affirming the decision of the city clerk to appeal to the city commission. To appeal the decision of the city manager, the applicant must file a notice of appeal with the city clerk. The city commission shall hear the appeal at its next regular meeting, but not sooner than seven (7) days from the receipt of the appeal.

Sec. 5-10 – Minimal Operation Standards for Marihuana Retailer

1. The following minimum standards shall apply for marihuana retailers:
    a. No retail establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
    b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
    c. The public or common areas of the retail center must be separated from restricted or non-public areas of the establishment.
    d. A drive-through window on the premises of a retail establishment shall not be permitted.
    e. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
    f. No retail establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
    g. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.
    h. No marihuana retailer may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

Sec. 5-11 – Minimal Operation Standards for Marihuana Grower

1. The following minimum standards shall apply for marihuana grower facility:
    a. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the Act.
    b. 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.
    c. The dispensing of marihuana at the grower facility shall be prohibited.
    d. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
        i. Maintaining adequate personal cleanliness;
        ii. 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; and
        iii. 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.
    e. 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 and attractant, harborage or breeding places for pests.
    f. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

Sec. 5-12 – Minimal Operation Standards for Marihuana Safety Compliance Facility

1. The following minimum standards for a safety compliance facility shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at the facility;
    b. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.

Sec. 5-13 – Minimal Operation Standards for Marihuana Processor

1. The following minimum standards for processor facility shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at the processor facility.
    b. All activity related to the processor facility shall be done indoors.
    c. The dispensing of medical marihuana at the processor facility shall be prohibited.
2. All persons working in direct contact with marihuana shall conform to hygienic practice 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.
3. A processor facility shall produce no products other than useable marihuana intended for human consumption.

Sec. 5-14 – Minimal Operation Standards for Marihuana Secure Transporter

1. The following minimum standards for secure transporters shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
    b. Storage of marihuana by a secure transporter shall comply with the following:
        i. The storage facility shall not be open or accessible to the general public; and
        ii. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.

Sec. 5-15 – Minimal Operation Standards for Marihuana Microbusiness

1. The following minimum standards shall apply for marihuana microbusinesses:
    a. No microbusiness establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
    b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness establishment indicating that consumption is prohibited on the premises.
    c. The public or common areas of the microbusiness must be separated from

restricted or non-public areas of the establishment.

d. A drive-through window on the premises of a microbusiness shall not be permitted.
e. A microbusiness shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
f. No microbusiness shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
g. No marihuana microbusiness may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

2. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

Sec. 5-16 – Minimal Operation Standards for Marihuana Consumption Establishment

1. The following minimum standards shall apply for marihuana consumption establishments:
   a. No consumption establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
   b. The public or common areas of the consumption establishment must be separated from restricted or non-public areas of the establishment, including from areas where consumption of marihuana will take place.
   c. A consumption establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
   d. No consumption establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
   e. No marihuana consumption establishment may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.
2. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

Sec. 5-17 – Minimal Operation Standards for Temporary Marihuana Event

1. The following minimum standards shall apply for temporary marihuana events:
   a. Temporary marihuana events may only be held at venues identified by resolution of the Marquette City Commission.
   b. 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 to audit the books and records of the marihuana establishment.
2. The license required by this ordinance shall be prominently displayed on the premises of a temporary marihuana event.

Sec. 5-18 – License Revocation

1. A municipal license or provisional license issued under this ordinance may be revoked

upon the city clerk's determination that grounds for revocation under this ordinance exist.

2. A license issued under this ordinance may be revoked on any of the following basis:
    a. Any violation of this ordinance;
    b. Revocation of the Special Land Use Permit issued by the Marquette City 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 ordinance 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 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 14 days from the mailing of the decision of the city manager to appeal the decision to the City Commission, by filing with the city clerk a written notice of appeal. The City Commission shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven (7) days from the receipt of the appeal.

Sec. 5-19 – Penalties and Discipline

1. The City of Marquette 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 $500, 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 5-18 of this ordinance.

Sec. 5-20 – Right to Amend

1. The Marquette City Commission reserves the right to amend or repeal this ordinance in any manner, including prohibiting or limiting the type or number of adult use marihuana establishments and state license types authorized to operate in the City.

Sec. 5-21 – Severability

1. 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 2. Publication.

This ordinance shall take effect March 1, 2020, but not before publication.

Frederick Stonehouse, Mayor

Kris M. Hazeres, City Clerk

Date Adopted: October 15, 2019

Date Published: October 21, 2019

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.

Jennifer A. Smith, Mayor

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

Kyle Whitney, City Clerk

Resolution Designating Public Venues for Temporary Marihuana 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 Marihuana Act states "A temporary marihuana event may only be held at a venue expressly approved by a municipality for the purpose of holding a temporary marihuana event."; and,

WHEREAS, Section 5-15 of the Marquette City Code states "Temporary marihuana 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 marihuana events in accordance with City Commission policy.

Duly adopted by the Commission on October 25, 2021.

Jennifer A. Smith, Mayor

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

Kyle Whitney, City Clerk

CITY OF MARQUETTE, MICHIGAN

CITY COMMISSION POLICY

Policy Number: 2021-01	Revision Date:
Date Adopted: 10-25-2021	
Department: Executive	

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.

<u>Events on Public Property</u>

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.

<u>Additional Guidelines</u>

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 marihuana events during the months of May and October.

- Event holders wishing to utilize Tourist Park for a temporary marihuana 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 marihuana events are permittable 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 marihuana events are permittable in rentable building facilities.
- All building capacity guidelines must be strictly adhered to for any event.
- No smoking or vaping of marihuana 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 marihuana event, the following process has been established to provide for an orderly and timely review.

1. Event holder shall submit a completed temporary marihuana 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 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. Marijuana event organizer license number
    c. Each marihuana establishment license held by the applicant
    d. Desired location of the temporary marihuana event
    e. Name of the temporary marihuana event
    f. A diagram of the physical layout of the temporary marihuana 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 marihuana event license is being sought. A temporary marihuana event license is required for any date in which the applicant engages in onsite marihuana product sales or allows onsite marihuana 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.