

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GARAGE SALES

111. PEDDLERS

112. POOL ROOMS AND BOWLING ALLEYS

113. PUBLIC DANCES AND DANCE HALLS

114. TAXICABS

115. OFFENSIVE BUSINESSES

116. TELECOMMUNICATIONS

**117. MEDICAL MARIHUANA FACILITIES AND MEDICAL
MARIHUANA GROW OPERATIONS**

CHAPTER 110: GARAGE SALES

Section

- 110.01 Definitions
- 110.02 License required
- 110.03 Information to be filed
- 110.04 Exemptions

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALES. All sales in an area zoned residential entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

GOODS. Any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.
(Ord. 105, passed 5-27-75)

§ 110.02 LICENSE REQUIRED.

(A) It shall be unlawful for any person to conduct a garage sale in the city without first filing with the clerk the information hereinafter specified and obtaining from such clerk a license to do so, to be known as a “Garage Sales License.” The fee for such license shall be \$10.

(B) Such license shall be issued to any one person only once within a 12-month period and no such license shall be issued for more than seven consecutive calendar days.

(C) Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.
(Ord. 105, passed 5-27-75; Am. Ord. 165, passed 8-11-86) Penalty, see § 10.99

§ 110.03 INFORMATION TO BE FILED.

The information to be filed with the City Clerk pursuant to this chapter shall be as follows:

(A) Name of person, firm, group, corporation, association, or organization conducting the sale.

(B) Name of owner of the property on which the sale is to be conducted and consent of owner if applicant is other than the owner.

(C) Location at which sale is to be conducted.

(D) Number of days of sale.

(E) Date, nature of any past sale.

(F) Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting the sale and the date or dates of such sale.
(Ord. 105, passed 5-27-75)

§ 110.04 EXEMPTIONS.

(A) The provisions of this chapter shall not apply to or affect the following persons or sales:

(1) Persons selling goods pursuant to an order to process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(B) A non-profit charitable, religious, or community service organization shall be exempt from the seven-day license period limitation and shall be required to obtain a license, which license shall be issued for a period of not to exceed 30 days. No license fee shall be levied for said license. Such license shall be issued only once with a 12-month period.

(Ord. 105, passed 5-27-75)

CHAPTER 111: PEDDLERS

Section

- 111.01 Definition
- 111.02 License required; fee
- 111.03 Exemptions
- 111.04 Violations

§ 111.01 DEFINITION.

HAWKERS, PEDDLERS and *TRANSIENT TRADERS* for the purpose of and as used in this chapter, shall be construed to mean and include any person who shall go about from place to place within the city in any manner whatsoever, or who shall from any stand, cart, vehicle or other device in or upon any street, highway, sidewalk, or in or upon any open place or places or space or public building or other place within the city, sell, offer for sale, solicit orders for any goods, wares, merchandise or refreshment, or any kind of property or thing whatsoever, to any person not a dealer therein. Any persons or persons who shall go about from house to house, or place to place, and sell or offer to sell, any article or trade or commerce to be delivered then or in the future shall be deemed to be a *HAWKER, PEDDLER*, or *TRANSIENT TRADER* within the meaning of this chapter.

(Ord. 5, passed 3-31-41)

§ 111.02 LICENSE REQUIRED; FEE.

(A) No hawker, peddler, or transient trader, shall sell, offer for sale, or solicit orders for by sample or otherwise, any goods, wares, merchandise, refreshments, or any kind of property or thing whatsoever within the city without first having paid for and obtained from the City Clerk a license to do so.

(B) The rates to be charged and collected by the City Clerk for any license issued to a hawker, or peddler, or transient trader, shall be in accordance with § 12.06.

(C) No license shall be issued for a longer period than one year from the date of issue.
(Ord. 5, passed 3-31-41; Am. Ord. 257, passed 2-5-01) Penalty, see § 10.99

§ 111.03 EXEMPTIONS.

(A) The provisions of this chapter shall not apply to any farmer or gardener selling or offering for sale the produce of his own farm or garden.

(B) The City Council shall, by resolution, have the authority to declare nonprofit clubs and organizations exempted from this chapter.

(Ord. 5, passed 3-31-41; Am. Ord. 94, passed 10-9-73; Am. Ord. 115, passed 12-27-76; Am. Ord. 127, passed 6-12-78)

§ 111.04 VIOLATIONS.

Every person who shall in any manner engage in doing or transacting the business of a hawker, peddler, or transient trader as in this chapter defined, without first having procured and paid for a license as required by this chapter, or who shall continue such business after the time limit in the license obtained therefor shall have expired, shall be subject to the punishment provided in § 10.99.

(Ord. 5, passed 3-31-41)

CHAPTER 112: POOL ROOMS AND BOWLING ALLEYS

Section

- 112.01 Permit required
- 112.02 Application and fee
- 112.03 Issuance of permit
- 112.04 Renewal
- 112.05 Revocation of permit
- 112.06 Operating hours

§ 112.01 PERMIT REQUIRED.

No public billiard or pool room, or bowling alley, shall be established, maintained or conducted in any place within the city by any person, persons, or corporation without first obtaining a permit to operate such place from the City Council. No person shall be granted a permit under the provisions of this chapter who is under 21 years of age and who has not resided with the State of Michigan for a period of at least one year immediately prior to the application for such permit; nor shall any such permit be granted to any person who has been convicted of any crime involving moral turpitude, nor to any person whose general reputation in any community in which he ever resided during the five years last preceding such application is that of a gambler, bootlegger, cheat or promoter of vice or immorality.

(Ord. 20, passed 5-23-49) Penalty, see § 10.99

§ 112.02 APPLICATION AND FEE.

Any person desiring to open or establish any of the places mentioned in § 112.01 shall first make application thereof to the City Clerk, setting forth in such application his age, and correct name, post office address and residence, the length of time he has resided within this state, and where, and his place of residence for the past five years immediately before the time of such application, whether or not he has ever been convicted of any crime involving moral turpitude; and giving reference in such application to at least five reputable citizens of the community wherein he has resided within this state, and the written recommendations of at least two such reputable citizens of such community representing his moral character. Every such application shall be accompanied by a fee of \$5 per table for a billiard or pool room, and \$5 per alley for a bowling alley, payable to the City Treasurer for the use of the city upon issuing of the license to the applicant; and the applicant shall specify in such

application the nature of his business and the exact location of the place thereof for which he requests a permit. In the event the applicant for such permit is a corporation authorized to do business in this state, the application shall be made by the agent of such corporation who will have principal charge of the place proposed to be established, and such applications shall contain all of the statements and furnish all the facts and recommendations in respect of such agent as are required in the case of a private individual herein. Such permit to a corporation shall be revocable upon the occurrence of a change in the agent so managing such place, and a new permit may be required by the City Council before any new agent shall take charge of such place for such corporation. In case of a partnership, each active partner in such business shall join in the application for such permit, and shall furnish all of the information and recommendations required of an individual applicant.

(Ord. 20, passed 5-23-49)

§ 112.03 ISSUANCE OF PERMIT.

The City Council receiving such application, if presented in due form, shall pass upon the same at its next regular meeting or at any special meeting called for such purpose, or at any adjournment thereof, and if satisfied that such applicant possesses the qualification herein prescribed, shall grant such permit for the term of one year. All such permits shall be in such form as the City Council may prescribe, but shall contain the name, address, place of business and the class of such business so permitted to the holder, and the date of expiration of such permit, and shall be authenticated by the signature of the City Clerk.

(Ord. 20, passed 5-23-49)

§ 112.04 RENEWAL.

Any permit issued in accordance with this chapter may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original permit. Whenever the holder of such permit desires to effect a change of place of doing business he shall notify the City Council and make application for a permit for such new place in the same manner as in the first instance, excepting that proof of good character may be dispensed with by the City Council. No permit issued pursuant to this chapter shall be assignable or transferable, nor shall any person excepting the person to which it was issued be permitted to do business thereunder either directly or indirectly.

(Ord. 20, passed 5-23-49)

§ 112.05 REVOCATION OF PERMIT.

(A) Every such license shall be revoked for any of the following causes:

(1) That intoxicating liquors are either sold or drunk on the premises, or that persons under the influence of intoxicating liquors are permitted to frequent, be in, or remain on the premises;

(2) That gambling in any form is permitted in or about the premises;

(3) That such places are frequented habitually by persons of low repute, or that the place is conducted in such a manner as to be generally reputed in the immediate vicinity thereof to be immoral and a menace to the morals and good citizenship of the community;

(4) That such place or places are being operated in violation of any of the provisions of this chapter.

(B) In any of the foregoing cases the City Council shall revoke the license and give notice of such revocation to the holder. For the purpose of enforcing these provisions for revocation the City Council may act on its own initiative, or on complaint of any resident. When such revocation is sought, the City Clerk shall give a written notice to the licensee personally, or by leaving the same with his agent or employee at his place of business, in which notice shall be stated the charges made against him for which revocation of his license is sought; the time and place at which he may appear to defend against such charges, which time shall be not sooner than three full days from serving of the notice. For such hearing the City Council may subpoena witnesses in the same manner as court. Such hearing need not follow the strict legal requirements of court trials. If, after an impartial and unbiased investigation, the City Council is convinced that the charges have been sustained, it shall revoke the license. If the City Council shall determine that such license shall be revoked, the City Clerk shall personally notify the licensee, or his agent or employee in charge of his place, in writing, and the license shall be revoked from and after midnight of said day.

(Ord. 20, passed 5-23-49)

§ 112.06 OPERATING HOURS.

No such public billiard or pool room shall be operated in the city after the hour of 12:00 midnight on weekdays, except as to Saturday and Sunday nights, in which cases the billiard or pool room may remain open until 2:00 a.m. on Sunday and 2:00 a.m. on Monday. This section shall not apply to any place operated as a bowling alley.

(Ord. 20, passed 5-23-49; Am. Ord. 101, passed 11-12-74) Penalty, see § 10.99

CHAPTER 113: PUBLIC DANCES AND DANCE HALLS

Section

- 113.01 Definitions
- 113.02 Application of regulations
- 113.03 Licenses and permit required
- 113.04 Investigation by city prior to issuance of license
- 113.05 Display of license
- 113.06 Disorderly conduct; closing hours
- 113.07 Suspension or revocation of license

§ 113.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC DANCE. Any dance to which admission may be had by payment of a fee, or by purchase, possession, or presentation of a ticket or token, obtained for money or any valuable thing, or in which a charge is made for caring for clothing or any other property: or to any dance to which the public generally may gain admission with or without payment of a fee.

PUBLIC DANCE HALL. Any room, place or space in which a public dance or public ball shall be held.

(Ord. 81, passed 9-27-71)

§ 113.02 APPLICATION OF REGULATIONS.

The provisions of this chapter having to do with public dances, shall not apply to dances given in private homes or by an organized fraternal or other society or association, where the attendance is restricted to the members of the fraternal society, organization or association, or by any school or church in the city.

(Ord. 81, passed 9-27-71)

§ 113.03 LICENSES AND PERMIT REQUIRED.

(A) It shall be unlawful to hold any public dance, in any hall within the city until the hall in which the same may be held, shall first be duly licensed for that purpose, as hereinafter provided. The owner of such hall shall apply to the City Clerk for a license for the hall, which application shall be on a form which shall be furnished by the City Clerk, and before any license is granted, said application shall be approved by the City Clerk. Upon approval of said application, the applicant shall pay to the City Clerk the yearly license fee of \$5. Upon approval of the application, the City Clerk shall issue a license as hereinbefore provided.

(B) It shall be unlawful for any person, persons, firm or corporation to hold or conduct or advertise any public dance, unless the person, persons, firm or corporation shall have first procured a public dance license, which shall be issued as herein provided. Any person, persons, firm or corporation applying for a public dance license shall make application on a form which shall be furnished by the City Clerk, which application shall set forth the dates on which the dances are to be held, and the street and number, or name of the hall or building in which the dances are to be held. Before any license is granted, the application shall be approved by the City Clerk. No public dance license shall be transferred from one person, persons, firm or corporation to another; nor from one location to another, unless the same shall be duly authorized by the City Clerk, or some duly authorized city official appointed by the City Clerk.

(C) It shall be unlawful for any person, persons, firm or corporation, to hold any public dance in any place, other than a licensed hall, without having first obtained a permit from the City Clerk therefor, and no person, society, or corporation, failing to enforce upon such dances the requirements laid down by statute or ordinance upon public dance halls shall be granted a second permit within six months from the date of such failure or neglect on the part of the manager, or proprietor, or person in charge, of any hall used for public dances, to secure and require the proper license permit for such dance, and shall subject such person, persons, firm or corporation to the penalty for a violation of this chapter.

(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.04 INVESTIGATION BY CITY PRIOR TO ISSUANCE OF LICENSE.

No license for a public dance hall, nor for a public dance, shall be issued until the City Clerk, or some duly authorized city official appointed by the City Clerk, shall investigate said hall in which the public dance is to be held, and determine that such hall complies with and conforms to all ordinances and health and fire regulations of the city, and that the hall is properly ventilated and supplied with adequate toilet conveniences for each sex, and is a safe, sanitary, and proper place for the purpose for which it is to be used.

(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.05 DISPLAY OF LICENSE.

Any licensee under the provisions of this section shall display the license in a conspicuous place in the license hall, or hall where the licensed public dance is held.
(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.06 DISORDERLY CONDUCT; CLOSING HOURS.

(A) No disorderly or immoral conduct shall be permitted in any public dance. The operator of any public dance shall provide sufficient supervisory personnel to prohibit any disorderly conduct or immoral conduct on the part of the participants. The City Clerk, any member of the Police Department, or any other person duly authorized by the City Clerk for that purpose, may enter any public dance for inspection purposes.

(B) All public dances shall be closed on Sunday and on or before the hour of 2:00 a.m. on any week day and remain closed until 7:00 a.m., the following day.
(Ord. 81, passed 9-27-71) Penalty, see § 10.99

§ 113.07 SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under the provisions of this chapter may be suspended or revoked by the City Clerk and City Council for disorderly or immoral conduct, or for the violation of any of the provisions set forth in any ordinance, law or regulation affecting public dance halls or public dances.
(Ord. 81, passed 9-27-71)

Cross-reference:

Disorderly conduct, see § 130.01

CHAPTER 114: TAXICABS

Section

- 114.01 License required
- 114.02 Application
- 114.03 Hearing
- 114.04 Issuance; insurance requirements and license fee
- 114.05 Termination of license
- 114.06 Driver regulations
- 114.07 Motor vehicle regulations
- 114.08 Rules of operation

§ 114.01 LICENSE REQUIRED.

No person, firm or corporation shall cause to be used or kept for use on the streets or alleys of the city, or on or about railroad and bus stations or stops or other public places in the city, any conveyance or vehicle for the transportation of passengers for hire or solicit by himself or others the rental of same on said streets, alleys, railroad and bus stations or stops in the city except as hereinafter provided. Any person, firm or corporation desiring to operate any conveyance or vehicle for the transportation of passengers for hire shall make application with a statement signed by at least three citizens, residents of the city, that the applicant is a person of good moral character and in their opinion is a fit and competent person to be licensed by the city to carry passengers for hire. (Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.02 APPLICATION.

Every such application shall contain the following information:

- (A) The name and address of the applicant.
- (B) A statement of the previous experience of the applicant in the taxi cab business, or in any related business.
- (C) The number of vehicles proposed to be operated as taxicabs and the description of every such vehicle.

(D) The proposed location of the office and taxi stand of the applicant.

(E) The proposed hours of service.

(F) The proposed schedule of rates or fares for carrying passengers.

(G) Evidence of public liability insurance, or of ability to procure the same if the license should be granted, sufficient to meet the requirements of § 114.04.

(H) A statement of the general plan of operation of the proposed taxi business including the method of dispatching taxicabs to be employed, and whether or not two-way radio equipment will be used.

(I) A statement demonstrating that the public interest, convenience and necessity requires the issuance of such license.

(Ord. 156, passed 1-24-83)

§ 114.03 HEARING.

Upon the filing of any such application with the City Clerk, a date shall be set for hearing thereon before the City Council. Written notice of the time and place of such hearing shall be mailed to the applicant and to all other holders of licenses issued under the provisions of this chapter at least three days before the date set for such hearing. Any person interested may appear and be heard at such hearing in support of or in opposition to the issuance of a license on the terms proposed by the applicant. The Council may examine the applicant and any other person or persons in order to determine whether or not the public interest, convenience and necessity require the issuance of the license applied for. If the Council shall find that the public interest, convenience and necessity require the issuance of such license, it shall by motion or resolution order the City Clerk to issue such license, subject to any conditions the Council may deem appropriate, including the submission and approval of the policy of liability insurance provided for by § 114.04. Provided, however, that any of the following reasons shall be sufficient for the denial by the Council of any such application:

(A) That the application does not contain the information required by this chapter.

(B) That any statement contained in the application is false.

(C) That the applicant is not a fit or desirable person to receive such a license, or that the applicant has, at some prior time, had a taxicab license revoked for cause.

(D) That any of the vehicles described in the application is inadequate or unsafe for use for taxicab purposes.

(E) That the proposed location of the taxicab stand would be such as to congest or interfere with traffic on any public street or that such proposed location would violate any zoning regulation of the city.

(F) That the proposed hours of service and general plan of operation would not sufficiently satisfy the requirements of the public interests, convenience and necessity.

(G) That a sufficient number of taxicabs is already adequately serving the city and that the public interests, convenience and necessity do not require the issuance of a license for additional taxicab service.

(Ord. 156, passed 1-24-83)

§ 114.04 ISSUANCE; INSURANCE REQUIREMENTS AND LICENSE FEE.

(A) If the application is approved by the City Council, the City Clerk is hereby authorized and directed to issue a license to the applicant after the applicant shall deposit with the Clerk an indemnity policy issued by some company authorized to transact business in this state. Such policy is to protect the applicant from all liabilities on account of claims for injuries by passengers carried caused by or resulting from the negligent operation, maintenance, or use of any of the motor vehicles licensed as taxicabs, or for loss or damage to person or property of others in at least the following minimum amounts:

- (1) Not less than \$100,000 on any one person.
- (2) Not less than \$300,000 for any one accident.
- (3) Not less than \$1,000,000 for injury or damage or loss to baggage and effects of passengers.

(B) In any event, the amount of required insurance shall not be less than that required for any licensed vehicle under the Financial Responsibility Provision of the Motor Vehicle Code. The form and sufficiency of such guarantee insurance shall be approved by the City Council.

(C) There shall be charged and collected for the use of the city, a license fee under the provisions of this chapter in the amount of \$50 for the initial taxicab license and \$35 for each additional taxicab license thereafter. The above described license shall not be transferable from one taxicab to another.

(D) It shall be unlawful for any licensee to operate for hire any motor vehicle other than the one described in the guarantee policy deposited with the City Clerk.

(E) Upon the request of the licensee the city may assign to such licensee certain exclusive parking areas on the public streets of the city such spaces or areas to be determined and designated by the City Council, and such licensee shall pay the city for the use thereof the sum of \$35 for each such parking

space. The rights and privileges granted for such parking facilities shall run concurrently with the license for the vehicle or vehicles of the licensee and shall expire at the same time and under the same circumstances as the license granted for the operation of the vehicle or vehicles for which the spaces or areas might be assigned.

(Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.05 TERMINATION OF LICENSE.

No license granted under the provisions of this chapter shall be issued and renewed on a license year basis beginning July 1 and ending June 30 until it shall be terminated in one of the following ways:

(A) Any such license shall terminate automatically upon the termination or cancellation of the policy of insurance or surety bond provided for by § 114.04 unless a new policy shall be submitted and approved within ten days from such termination or cancellation.

(B) Any such license may be revoked by the City Council if it shall find that the licensee has continuously failed to comply with the terms and provisions of such license or has continuously failed to obey any of the provisions of this chapter. Such licensee shall be entitled to a hearing after reasonable notice and upon a written specification of the grounds for such proposed termination.
(Ord. 156, passed 1-24-83)

§ 114.06 DRIVER REGULATIONS.

(A) The driver of any taxicab must be at least 18 years of age and possess a valid Michigan Chauffeurs license.

(B) The licensee shall procure numbered badges which shall be registered by the City Clerk and it shall be unlawful for any person to solicit for himself or any other person, firm or corporation within the city without having said badge conspicuously displayed on his person.

(C) All drivers of taxicabs shall be neat, clean and courteous at all times. Drivers shall open the doors for passengers and shall handle baggage when necessary. Passengers shall ride in the rear seats, and may not sit in the front seat with the driver unless the rear seat is filled.
(Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.07 MOTOR VEHICLE REGULATIONS.

All taxicabs shall be maintained in safe operating condition and shall be kept clean at all times. The Police Department is authorized and directed by the City Manager to make proper inspection of

each taxicab operating in the city at least once each year to determine their fitness for operating as a taxicab. The annual inspection for safety purposes is an added condition to a renewal of the license. (Ord. 156, passed 1-24-83) Penalty, see § 10.99

§ 114.08 RULES OF OPERATION.

(A) It shall be unlawful for any licensee to operate for hire any motor vehicle unless the rate table or schedule of charges, together with the numbered badge above mentioned is conspicuously displayed therein.

(B) The driver of any taxicab shall collect from all passengers, without deviation or discrimination, the fare approved by the City Council, according to the terms of the license under which such taxicab is operated.

(C) It shall be unlawful for any person to refuse to pay the legal fare after having hired a taxicab with intent to defraud the person from whom it is hired of the value of such services.

(D) The driver of any taxicab shall transport any passenger engaging the same safely and expeditiously to his destination in the most direct and accessible route. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged. (Ord. 156, passed 1-24-83) Penalty, see § 10.99

CHAPTER 115: OFFENSIVE BUSINESSES

Section

115.01 Assigned place of operation to be obtained from city

§ 115.01 ASSIGNED PLACE OF OPERATION TO BE OBTAINED FROM CITY.

(A) It shall be unlawful for any person, persons, firm, corporation, partnership, association, or individual to exercise any trade or employment offensive to the inhabitants of the city or dangerous to the health thereof, without first having obtained from the City Council an assigned place where such trade or employment may be carried on.

(B) Any persons, firm, corporation, partnership, association or individual who shall conduct or cause to be conducted, any trade or employment, offensive to the inhabitants of the city, or dangerous to the public health thereof, without having received an assignment by the City Council as provided in division (A) above, or who shall conduct such trade or employment in a place other than that assigned by the City Council, or who shall conduct such trade or employment after such assignment shall be revoked by the City Council, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in § 10.99.

(Ord. 9, passed 3-31-41) Penalty, see § 10.99

CHAPTER 116: TELECOMMUNICATIONS

Section

- 116.01 Purpose
- 116.02 Terms defined
- 116.03 Permit required
- 116.04 Issuance of permit
- 116.05 Construction/engineering permit
- 116.06 Conduit or utility poles
- 116.07 Route maps
- 116.08 Repair of damage
- 116.09 Establishment and payment of maintenance fee
- 116.10 Modification of existing fees
- 116.11 Savings clause
- 116.12 Use of funds
- 116.13 Annual report
- 116.14 Cable television operators
- 116.15 Existing rights
- 116.16 Compliance
- 116.17 Reservation of police powers
- 116.18 Authorized city officials

- 116.99 Penalty

§ 116.01 PURPOSE.

(A) The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act No. 48 of 2002) (“Act”) and other applicable law, and to ensure that the city qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(B) Nothing in this chapter shall be construed in such a manner as to conflict with the Act or other applicable law.

(Ord. 262, passed 10-21-02)

§ 116.02 TERMS DEFINED.

(A) The terms used in this chapter shall have the following meanings:

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act No. 48 of 2002), as amended from time to time.

CITY. The City of Bangor.

CITY COUNCIL. The City Council of the city or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the City Council.

CITY MANAGER. The City Manager or his or her designee.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the city for its telecommunications facilities.

(B) All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC. The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

PERSON. An individual, corporation, partnership, association, governmental entity, or any other legal entity.

PUBLIC RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

TELECOMMUNICATION FACILITIES or FACILITIES. The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. **TELECOMMUNICATION FACILITIES or FACILITIES** do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of

part I of title III of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATIONS PROVIDER, PROVIDER and TELECOMMUNICATIONS SERVICES. Those terms as defined in Section 102 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2102. **TELECOMMUNICATIONS PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the Communications Act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
 - (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
 - (c) A person providing broadband internet transport access service.
- (Ord. 262, passed 10-21-02)

§ 116.03 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the city for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk shall make three copies of the application and distribute a copy to the necessary and appropriate state agencies or bodies. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(C) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, Public Act No. 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the city and the applicant cannot agree on the requirement of additional information requested by the city, the city or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(F) *Previously issued permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the city under Section 251 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2251, and authorizations or permits issued by the city to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.

(G) *Existing providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the city as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, Public Act No. 179 of 1991, being M.C.L.A. § 484.2251, shall submit to the city an application for a permit in accordance with the requirements of this chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this division is not required to pay the \$500 application fee required under division (D) above. A provider under this division shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

(Ord. 262, passed 10-21-02)

§ 116.04 ISSUANCE OF PERMIT.

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 116.03(B) of this chapter for access to a public right-of-way within the city. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(C) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to Section 15(3) of the Act, and without limitation on division (C) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. 262, passed 10-21-02)

§ 116.05 CONSTRUCTION/ENGINEERING PERMIT.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the city without first obtaining a construction or engineering permit as required under Chapter 12 of this code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. 262, passed 10-21-02)

§ 116.06 CONDUIT OR UTILITY POLES.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. 262, passed 10-21-02)

§ 116.07 ROUTE MAPS.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the city, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the city. The route maps should be in paper or electronic format, unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

(Ord. 262, passed 10-21-02)

§ 116.08 REPAIR OF DAMAGE.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the city, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. 262, passed 10-21-02)

§ 116.09 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the city set forth in § 116.03(D) above, a telecommunications provider with telecommunications facilities in the city's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

(Ord. 262, passed 10-21-02)

§ 116.10 MODIFICATION OF EXISTING FEES.

In compliance with the requirements of Section 13(1) of the Act, the city hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the city also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the city's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The city shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the city's policy and intent, and upon application by a provider or discovery by the city, shall be promptly refunded as having been charged in error.

(Ord. 262, passed 10-21-02)

§ 116.11 SAVINGS CLAUSE.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under § 116.10 above shall be void from the date the modification was made.

(Ord. 262, passed 10-21-02)

§ 116.12 USE OF FUNDS.

Pursuant to Section 10(4) of the Act, all amounts received by the city from the Authority shall be used by the city solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the city from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the city under Public Act No. 51 of 1951.
(Ord. 262, passed 10-21-02)

§ 116.13 ANNUAL REPORT.

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.
(Ord. 262, passed 10-21-02)

§ 116.14 CABLE TELEVISION OPERATORS.

Pursuant to Section 13(6) of the Act, the city shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(Ord. 262, passed 10-21-02)

§ 116.15 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the city may have under a permit issued by the city or under a contract between the city and a telecommunications provider related to the use of the public rights-of-way.
(Ord. 262, passed 10-21-02)

§ 116.16 COMPLIANCE.

The city hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The city shall comply in all respects with the requirements of the Act, including but not limited to the following:

(A) Exempting certain route maps from the Freedom of Information Act, Public Act No. 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, as provided in § 116.03(C) of this chapter;

(B) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with § 116.03(F) of this chapter;

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with § 116.03(G) of this chapter;

(D) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the city, in accordance with § 116.04(A) of this chapter;

(E) Notifying the MPSC when the city has granted or denied a permit, in accordance with § 116.04(A) of this chapter;

(F) Not unreasonably denying an application for a permit, in accordance with § 116.04(A) of this chapter;

(G) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 116.04(B) of this chapter;

(H) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 116.04(C) of this chapter;

(I) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with § 116.04(D) of this chapter;

(J) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with § 116.05 of this chapter;

(K) Providing each telecommunications provider affected by the city's right-of-way fees with a copy of this chapter, in accordance with § 116.10 of this chapter;

(L) Submitting an annual report to the Authority, in accordance with § 116.13 of this chapter; and

(M) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 116.14 of this chapter.

(Ord. 262, passed 10-21-02)

§ 116.17 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this chapter shall not limit the city's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the city's authority to ensure and protect the health, safety, and welfare of the public.
(Ord. 262, passed 10-21-02)

§ 116.18 AUTHORIZED CITY OFFICIALS.

The City Manager or his or her designee is hereby designated as the authorized city official to issue municipal civil infraction citations directing alleged violators to appear at the Municipal Chapter Violations Bureau for violations under this chapter as provided by the city code.
(Ord. 262, passed 10-21-02)

§ 116.99 PENALTY.

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to the local civil infraction fines as set forth in § 12.06 of this code. Nothing in this section shall be construed to limit the remedies available to the city in the event of a violation by a person of this chapter or a permit.
(Ord. 262, passed 10-21-02)

**CHAPTER 117: MEDICAL MARIHUANA FACILITIES AND MEDICAL MARIHUANA
GROW OPERATIONS**

Section

- 117.01 Purpose
- 117.02 Definitions
- 117.03 Medical marihuana facilities
- 117.04 Grow operations, processing facilities, and safety compliance facilities
- 117.05 Secure transporters
- 117.06 Special use
- 117.07 Fee schedule
- 117.08 Permit requirement
- 117.09 Application to operate
- 117.10 Civil forfeiture

117.99 Penalty

§ 117.01 PURPOSE.

The purpose of this chapter is to:

- (A) Serve and protect the health, safety and welfare of the general public;
- (B) Establish fair and equitable rules and regulations for establishing and operating medical marihuana facilities and medical marihuana grow operations; and
- (C) Provide reasonable regulations pursuant to the city general police power granted to the city by the Michigan Constitution of 1963 and the City Charter.
(Ord. 284, passed 9-7-17)

§ 117.02 DEFINITIONS.

MEDICAL MARIHUANA GROW OPERATION. A commercial facility licensed under Public Act 281 of 2016 that cultivates, dries, trims, or cures marihuana for sale to a processor or provisioning center.

MEDICAL MARIHUANA PROCESSING FACILITY. A commercial facility licensed under Public Act 281 of 2016 that purchases marihuana from a licensed grow operation and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

MEDICAL MARIHUANA PROVISIONING CENTER. A commercial facility licensed under Public Act 281 of 2016 that purchases marihuana from a licensed grower or processor and sells, supplies, or provides marihuana to registered qualifying patients directly, or through the patients registered primary caregivers. The term ***PROVISIONING CENTER*** shall include any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this chapter.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY. A commercial facility licensed under Public Act 281 of 2016 that receives marihuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

MEDICAL MARIHUANA SECURE TRANSPORTER. A commercial facility licensed under Public Act 281 of 2016 that stores marihuana and transports marihuana between marihuana facilities for a fee. (Ord. 284, passed 9-7-17)

§ 117.03 MEDICAL MARIHUANA FACILITIES.

(A) Pursuant to § 205(1) of Public Act 281 of 2016, the city authorizes the following state-licensed medical marihuana facilities for operation within the municipality: growers, processors, safety compliance facilities, and secure transporters will follow the city's zoning ordinance. As needed per the zoning ordinance, a special use permit may be granted for the following medical marihuana uses:

- (1) Medical marihuana grow operations;
- (2) Medical marihuana processing facilities;
- (3) Medical marihuana safety compliance facilities;
- (4) Medical marihuana secure transporters; and
- (5) Medical marihuana provisioning centers.

(B) All special use permits granted to the medical marihuana uses listed above shall be conditioned on the licensing of the facility by the State of Michigan. Facilities must meet all state requirements, including but not limited to those of LARA and the MDEQ. Facilities must maintain an active license from the State of Michigan under Public Act 281 of 2016 at all times in order to operate. (Ord. 284, passed 9-7-17)

§ 117.04 GROW OPERATIONS, PROCESSING FACILITIES, AND SAFETY COMPLIANCE FACILITIES.

The following shall apply to grow operations, processing facilities, and safety compliance facilities:

(A) All facilities must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.

(B) All facilities must be designed to minimize odors emanating from the marihuana plants.

(C) All facilities must maintain a secure, closed, clean environment in the room where marijuana is to be stored, grown, processed, or tested, in order to prevent outside contamination and prevent the inadvertent and/or unauthorized removal of marihuana from the facility. All facilities must provide shower and locker room facilities for employees to ensure the provision of a clean environment.

(D) All facilities must have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal. All rooms that contain marihuana, in any form, must be individually locked and accessible only to authorized personnel.

(E) All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.

(F) All facilities must be in compliance with the standards of this chapter, including but not limited to the standards, at all times.

(G) Medical marihuana grow operations does not include:

(1) A qualifying patient growing 12 or fewer medical marihuana plants at his/her residence for personal use in accordance with the Michigan Medical Marihuana Act 281; or

(2) A primary caregiver growing 12 or fewer medical marihuana plants at his/her residence for personal use of a single qualifying patient in accordance with the Michigan Medical Marihuana Act 281.

(H) *Primary caregiver.* A person is a primary caregiver as defined by the Michigan Medical Marihuana Act 281.

(I) *Qualifying patient.* A person who is a qualifying patient as defined by the Michigan Medical Marihuana Act 281.
(Ord. 284, passed 9-7-17)

§ 117.05 SECURE TRANSPORTERS.

The following shall apply to secure transporters:

(A) All facilities, vehicles, and processes must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.

(B) All facilities, vehicles, and processes must be designed to minimize odors emanating from the marihuana plants.

(C) All operations must have processes in place to prevent the contamination or pollination of the marihuana during the loading and unloading process.

(D) All facilities, vehicles, and processes must have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal. All marihuana must be stored in hermetically sealed containers prior to transport.

(E) All operations must be in compliance with the standards of this chapter, including but not limited to the standards at all times.
(Ord. 284, passed 9-7-17)

§ 117.06 SPECIAL USE.

(A) If approved for a special use, and after payment of a fee to be determined by the City Council, medical marihuana facilities shall be issued an operating license. The operating permit must be renewed annually, through the payment of a fee to be determined by the City Council and through compliance with the requirements of the State of Michigan and this chapter as demonstrated through an inspection by the Building Official or his or her designee. The operating license and state medical marihuana facility license must be displayed in plain view clearly visible to city officials and Medical Marihuana Licensing Board authorized agents. All license holders shall be subject to periodic inspection, and shall make their facilities available to any and all authorized state and local building inspectors, environmental inspectors, and law enforcement personnel.

(B) Within 30 days after special use approval, the city shall provide the following to the Medical Marihuana Licensing Board:

- (1) A copy of this chapter;

(2) A copy of any zoning regulations that apply to the applicant facility;

(3) A description of any violation of this chapter or applicable zoning regulations committed by the applicant, but only if those violations are related to activities licensed under Public Act 281 of 2016; and

(4) No person who has opened or operated a facility doing business or purporting to do business under this section without first obtaining a special use permit and a state operating license shall be eligible for an operating license under this chapter.

(C) Licensed medical marihuana patients or caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall not be required to receive special use approval to conduct legal activities in any zoning district, but must comply with all applicable city ordinances, including those governing odor, and all applicable state laws.

(D) Permits issued under this section may be revoked by the City Council for any of the following:

(1) Knowing fraudulent or material misrepresentation was contained in the application;

(2) A pattern of knowing violations of this section, after reasonable notice and opportunity to cure;

(3) A loss after final determination of the State Medical Marihuana Licensing Board of the permit holder's state medical marihuana facility license; or

(4) Failure or refusal to pay the annual fee.

(Ord. 284, passed 9-7-17)

§ 117.07 FEE SCHEDULE.

(A) The city fee schedule for the permit to operate the medical marihuana facilities shall be as follows:

(1) Medical Marihuana Facility License: \$5,000; and

(2) Medical Marihuana Facility Annual Inspection/License Renewal: \$5,000.

(B) Failure to register or apply for a permit with the city will be turned in to the state and local law enforcement for dismantling of said operation.

(Ord. 284, passed 9-7-17)

§ 117.08 PERMIT REQUIREMENT.

- (A) Establish that the applicant is currently registered with one of the five medical marihuana licenses under Public Act 281 of 2016 by producing his or her license issued by the State of Michigan;
- (B) Provide a map citing the proposed location of said medical marihuana operating facility;
- (C) Agree that the operation that each of the five medical marihuana operating facilities shall comply with applicable laws and regulations of the Michigan Medical Marihuana Act;
- (D) Set hours of operation for the medical marihuana provisioning center not to exceed 8:00 a.m. to 9:00 p.m. Monday through Saturday;
- (E) Not allow persons under the age of 18 to be on the premises of any medical marihuana provisioning center unless they possess a valid medical marihuana registry card issued by the State of Michigan, and are accompanied by a parent or legal guardian; and
- (F) That the applicant's facility is in compliance with the Federal Drug Free School Zone Act. (Ord. 284, passed 9-7-17)

§ 117.09 APPLICATION TO OPERATE.

Applications to operate any one of each of the five medical marihuana operating facilities shall be available at the City Office. A processing fee to be set by motion shall accompany a completed application, along with documentation and/or affidavits to support that the application meets the requirements of § 117.08.

- (A) Any one of each of the five medical marihuana operating facilities opened prior to the adoption of this chapter must file for a permit within 30 days of the adoption of this chapter.
- (B) An application to operate any one of each of the five medical marihuana operating facilities must be submitted to the Planning Commission at least seven days prior to the next regularly scheduled meeting in order for said application to be considered at that meeting.
- (C) The application will be valid for 60 days. If at the end of said 60 days the application has not been approved, the applicant will have to re-apply.
- (D) There shall be an annual renewal process. (Ord. 284, passed 9-7-17)

§ 117.10 CIVIL FORFEITURE.

Any medical marihuana sold or possessed with intent to sell in violation of this chapter may be seized, forfeited and disposed of by the police agencies serving the city.
(Ord. 284, passed 9-7-17)

§ 117.99 PENALTY.

Any persons, firms, or corporations who shall violate any provisions of this chapter shall be deemed responsible for violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of not more than \$5,000, plus court costs and cost of prosecution not to exceed \$5,000, or both, at the discretion of the court. Each day that a violation occurs shall be considered a separate offense. The city may in addition seek injunctive relief.
(Ord. 284, passed 9-7-17)

