

**CITY OF GRANT
ORDINANCE NO. 55**

**AN ORDINANCE REGULATING LICENSING CERTAIN BUSINESSES AND BUSINESS ACTIVITIES WITHIN
THE CITY OF GRANT**

The City of Grant Ordains:

Ordinance No. 20: “An ordinance regulating snow plowing, adopted December 12, 1977” is hereby repealed.

Ordinance No. 55: “Business License and Activity Ordinance” is hereby established as follows:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Business License Required.

1.1 No person shall directly or indirectly, operate, conduct, maintain or manage any business or premises for which any license or permit is required by any provision of this ordinance without first procuring a license or permit from the City in the manner prescribed in this ordinance. Each license or permit form shall be approved by the City Commission by resolution.

1.2 The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of procuring a license or permit from the City if such license is required by this ordinance.

Section 2. Application for License and Investigation.

2.1 Application. Each person or entity that is required to procure a license/permit from the City shall fill out an application for said license. The license shall at minimum include the following:

- (a) The full names, dates of birth, business addresses of the applicant or entity and resident addresses of all owners, proprietors, officers, members, partners and managers of the applicant’s business;
- (b) The place(s) in the City where it is proposed to maintain the applicant’s business and the length of time during which it is proposed that such business be conducted;
- (c) The wares, merchandise or services to be sold or offered for sale by the applicant in the City;
- (d) The nature and kind of business which the applicant proposes to conduct and the manner in operating the same;
- (e) Whether or not the applicant or person conducting or managing the applicant’s business has been convicted of a felony, misdemeanor or the violation of any municipal ordinance and, if so, full details in connection therewith.

2.2 Investigation. Upon the receipt of an application for a license/permit, City Administrative staff or designee by the City Manager, shall investigate or determine the applicant’s business and moral character for the protection of the public good.

2.3 License/Permit denied. Any misleading/deceptive information by the applicant will result in the denial or revoking of a license/permit.

2.4 License/Permit granted. If the review of the applicant’s character and business are found to be satisfactory, City Administrative Staff shall endorse the application as approved upon receipt of payment of the prescribed license/permit fee(s), proof of insurance, if required, and issue a license/permit.

Section 3. Exhibition of License/Permit.

3.1 Persons licensed/permitted under this ordinance are required to produce or exhibit their license/permit upon request of any individual and any City Police Officer, Code Enforcement Officer or a designated representative of the City Manager.

3.2 A license/permit issued under this ordinance shall be posted conspicuously in the place of the business or vehicle named therein. If a person applying for such a license/permit desires to do business in more than one place within the city, a copy of the license/permit shall be posted conspicuously in each.

3.3 No licensee shall fail to display conspicuously on vehicles licensed by this ordinance such tags or stickers as are furnished by the City Administrative Staff and required by this ordinance.

Section 4. License/Permit Revocation and Appeal

4.1 Any license/permit issued under this ordinance may be suspended or revoked for any of the following reasons:

- (a) Fraud or misrepresentation on the application for the license;
- (b) Fraud or misrepresentation in the course of conducting the business of the vendor;
- (c) Conducting the business of the vendor contrary to the conditions of the license; or
- (d) Conducting the business of the vendor in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

4.2 Upon suspension or revocation of the license, City Administrative Staff and or City Police Personnel shall deliver in person written notice to the license holder or their representative personally at the business location or by first class mail to the address listed in the licensee's application stating the action taken and the reasons supporting such action.

4.3 Persons who are denied licenses/permits or whose licenses/permits are suspended or revoked may appeal by filing a written notice of appeal with the License Review Board which shall be the Grant City Commission. The appeal must be filed within seven days after receipt of the notice of denial, suspension or revocation. The Board shall hear the appeal at the next regularly scheduled City Commission meeting to determine the outcome of the appeal and the decision of the Board shall be final.

Section 5. Required Licenses/Permits

5.1 There are several businesses or activities requiring licenses/permits under this ordinance and they are listed below. No person shall engage in such businesses or activities without first procuring a license/permit. Such licenses/permits will be subject to a fee schedule and bond requirements, if any, set by resolution of the City Commission.

- (a) Snow plowing;
- (b) Special events;
- (c) Precious metal and gem dealers, pawnbrokers, pawn shop, secondhand dealer and scrap metal dealer;
- (d) Peddlers and transient merchants;
- (e) Firework/Pyrotechnic events;
- (f) Medicinal marihuana;

**ARTICLE II
REGULATIONS FOR SPECIFIC BUSINESSES AND RELATED ACTIVITIES**

Section 1. Snow Plowing

1.1 No person shall plow snow for hire without first obtaining a license.

1.2 No person plowing snow for hire, or otherwise, may dispose of the same, except on their own premises, without first obtaining authorization from the City.

1.3 No person plowing snow for hire, or otherwise, may pile snow on public sidewalks or in such a manner in road right of way that is deemed hazardous by the Police Department.

Section 2. Special Events

2.1 No person(s) or organization(s) shall engage in events that impact public property or public safety as determined by the Grant Police Department or Grant City Commission without first obtaining authorization from the City.

2.2 Events such as runs, bike tours, races, misc. athletic type events, fairs/carnivals, beer tents, shall be considered special events. This list shall not be considered all inclusive as the City Commission may deem any other type of event as a special event depending on the impact on public property, municipal services required and public safety.

Section 3. Precious metal and gem dealers, pawnbrokers, pawn shop, secondhand dealer and scrap metal dealer

3.1 Precious metal and gem dealers. The City of Grant hereby adopts by reference the Precious Metal and Gem Dealer Act 95, Public Acts of 1981, as amended, (the "Act") being Sections 445.481 through 445.492 of the Michigan Compiled Laws and/or as amended.

3.2 Pawnbrokers and pawn shops. The City of Grant hereby adopts by reference, Act No. 273 of the Public Acts of 1917, as amended, being Sections 446.201 through 446.219 of the Michigan Compiled Laws, and Act No. 231 of the Public Acts of 1945, as amended, being Section 445.471 of Michigan Compiled Laws and /or as amended.

3.3 Electronic Reporting/Filing Required.

(a) Pursuant to state statutes, MCL §§ 445.404, 445.405, 446.205 and 445.484, second hand or junk dealers, pawnbrokers, and precious metal and gem dealers are all required to keep detailed records of all articles received during the course of business and to send a copy of all such records to local law enforcement.

(b) All such required reports shall be submitted electronically using the services of an electronic reporting service company selected by the City. All such filings shall comply with all requirements regarding the specific information to be supplied and time frame for doing so, as outlined within the applicable state statute.

Section 4. Peddlers and Transient Merchants

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

(a) "*Peddler*" includes the terms "*hawker*", "*solicitor*", and "*concessioner*" and means any of the following:

- (1) A person who travels by foot, motor vehicle or any other type of conveyance carrying or transporting merchandise of any nature or food, whether prepared for immediate consumption or not, for the purpose of selling or offering to sell such wares to purchasers or who offers contemporaneous performance of a trade or service;
- (2) A person who without traveling from place to place sells or offers to sell from a vehicle, railroad car or other type of conveyance merchandise of any nature including food, whether prepared for immediate consumption or not, to prospective purchasers; or
- (3) A person who travels by foot, motor vehicle or any other type of conveyance from place to place, house to house or street to street taking or attempting to take orders for the sale of merchandise of any nature for future delivery or for services to be furnished or performed in the future, whether or not such person, has, carries or exposes for sale a sampling of the merchandise and whether or not such person is collecting advance payments on such sale.

(b) "*Person*" means any natural person, corporation or partnership, including both principals and agents thereof, or two or more persons having a joint or common interest.

(c) "*Transient merchant*" means any person, firm, association or corporation engaging temporarily in a retail sale of goods, wares or merchandise in any place in the city and who for the purpose of conducting business occupies any lot, building, room or structure of any kind. The term shall not apply to any of the following:

- (1) A person selling goods, wares or merchandise of any description, related to directly related to the primary business at the location. If a business/property owner gives permission for temporary tent sale, stand, etc... that is not of their own ownership but conducted with permission on their property a permit is required;
- (2) A person making sales on residential premises pursuant to an invitation issued by the owner or legal occupant of the premises;

(d) "*Vendor*" refers to a peddler or a transient merchant.

4.2 Exempt Activities. The provisions of this chapter shall not apply to any of the following:

- (a) The sale of goods, wares or merchandise or solicitations for religious, charitable/non-profit purposes or official local chamber of commerce event(s);
- (b) Commercial travelers employed by wholesale houses who take or seek to take orders from merchants for goods, wares or

merchandise and other personal property retailed by such merchants;

(3) Permanently employed and bonded route salespersons who solicit orders from and distribute goods to regular customers on established routes; or

(4) Persons licensed under Public Act 328 of 1978, being M.C.L.A. §§ 289.801 et seq., as amended, being the Food Processing Act of 1977.

4.3 Miscellaneous rules for peddlers and transient merchants:

(a) Vendors who conduct their business by going door-to-door shall not solicit at any premises posted with a ***NO SOLICITATION*** sign or some similar marking.

(b) No vendor shall have any exclusive right to any location in the public street or be permitted a stationary location or be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For the purpose of this section, the judgment of a police officer or code enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public has been impeded or inconvenienced.

(c) No person selling under this ordinance shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale or engage in any business regulated by this ordinance or conduct any sale within 300 feet of the entrance of any school building between the hours of 8:00 a.m. and 5:00 p.m., local time, on the days when school is in session.

(d) No fee shall be required from a person who sells products actually grown, raised or produced on his or her own farm or orchard.

(e) No fee shall be required from any person who is an honorably discharged veteran, who has secured a license pursuant to Public Act 359 of 1921, being M.C.L.A. §§ 35.441 through 35.443, as amended, and who otherwise has fulfilled the obligations of this ordinance and when the goods, wares and merchandise proposed to be sold by such person are his or her own.

(f) Individuals or groups wishing to do their business under this section in any city park must first secure permission from the City Commission before applying for a license.

(g) No person shall solicit before 9am or after 8pm or whenever it is dark.

Section 5. Fireworks/Pyrotechnics events

5.1 The City of Grant hereby adopts by reference the Michigan Fireworks Safety Act, 2011 PA 256, and or as amended, M.C.L.A. § 28.466(2).

5.2 A person shall not ignite, discharge, or use pyrotechnic or display fireworks for a public or private display within the City, without a permit approved by the City Police Chief and also the local fire district.

5.3 Application shall be made to the Police Chief by the person seeking the permit on forms provided by the Michigan Department of Licensing and Regulatory Affairs, together with an application fee in an amount set from time to time by resolution of the City Commission.

5.4 The Police Chief shall not issue a permit unless he or she is satisfied that the applicant has sufficient bond or insurance protection as required in the Michigan Fireworks Safety Act, 2011 PA 256, as amended, M.C.L.A. § 28.466(2).

Section 6. Medical Marihuana.

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

(a) “*Act*” means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being M.C.L. 333.26421 *et seq.*, as well as any and all amendments thereto, and also any legislation enacted into law to implement that statute.

(b) “*Marihuana*” is also known as Marijuana and Cannabis.

(c) “*Medical Marihuana Dispensary*” means any business, facility, association, cooperative, location or operation, whether fixed or mobile, where medical marihuana is sold, grown, processed, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

(1) A primary caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).

(2) A qualifying patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is consumed on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this article but also any other applicable City of Grant ordinance.

(c) “*Medical Use of Marihuana*” is the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.

(d) “*Primary Caregiver*” shall be as defined by the Act.

(e) “*Qualifying Patient*” shall be as defined by the Act.

(f) “*Residential dwelling*” shall be defined as a lawful owner-occupied only, detached single-family residential dwelling.

6.2 Prohibition of Medical Marihuana Dispensaries. No medical marihuana dispensary shall be commenced, established, conducted, maintained, operated or utilized anywhere within the City of Grant or on or from any property within the City of Grant.

6.3 Regulations Regarding Primary Caregiver's Residential Dwelling. The following regulations generally pertain to the residential dwelling of a primary caregiver:

- (a) The primary caregiver may grow and process marihuana in compliance with the Act within an owner-occupied, detached single-family residential dwelling where the primary caregiver lives and is the primary caregiver's residence pursuant to Michigan Law. No such residential dwelling of the primary caregiver shall be located within an apartment building, multi-family residential building or similar housing building or development, but rather, shall occur only within a lawful detached single-family residential dwelling.
- (b) No person other than the primary caregiver (and no person under 18 years of age) who resides in an owner-occupied, detached single-family residential dwelling shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of the marihuana.
- (c) Use of the residential dwelling (which is the residence of the primary caregiver) for medical marihuana related purposes shall be clearly incidental and subordinate to its use for single-family residential purposes. Not more than 25% of the gross finished floor area of the dwelling or 200 square feet of floor area of the dwelling, whichever is less, shall be used for the growing, processing and handling of the marihuana. No part of an accessory building, detached garage, pole barn or similar building or structure shall be used for the growing, processing or distribution of marihuana.
- (d) No qualifying patient shall visit, come to or be present at the residential dwelling of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana; rather, the primary caregiver must personally deliver any medical marihuana to a qualifying patient at the residence of that qualifying patient.
- (e) No person shall deliver marihuana to a qualifying patient other than the primary caregiver for that qualifying patient. The primary caregiver must personally deliver the marihuana to his/her qualifying patient.
- (f) There shall be no visible change to the outside appearance of the primary caregiver's residential dwelling or other visible evidence of the conduct of the medical marihuana operation occurring inside the residential dwelling.
- (g) No marihuana, marihuana plants, marihuana paraphernalia or plant growing apparatus shall be visible from the exterior of the dwelling.
- (h) No growing, processing, smoking or use of marihuana shall occur outdoors. All medical marihuana growing, processing and handling shall occur entirely within the dwelling.
- (i) No sale or distribution of merchandise or products shall be conducted on, within or from the residential dwelling (including the lot or parcel involved) of the primary caregiver apart from the medical marihuana itself. Therefore, if a permit to be a medical marihuana caregiver is granted, no other home occupation will be allowed in the residential dwelling of the caregiver.
- (j) No equipment or process shall be used in growing, processing or handling medical marihuana, which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses outside the residential dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of line voltage off the premises. The residential dwelling of the primary caregiver shall meet all building, housing, fire and local and state codes and ordinance requirements.
- (k) The growing, processing, distribution, sale and handling of medical marihuana shall comply at all times and all circumstances with the Act and any applicable regulations or requirements by the Michigan Department of Community Health or any other Michigan agency.
- (l) The residential dwelling for the primary caregiver shall be located more than 1,000 feet from any school, library or day care center as defined by Michigan law to ensure community compliance with federal "Drug-Free School Zone" requirements and to minimize negative impacts. The residential dwelling for the primary caregiver shall be located more than 500 feet from any City-owned playground/park.
- (m) Not more than one (1) primary caregiver shall be permitted to grow, process or handle medical marihuana at or from a given dwelling unit.
- (n) All medical marihuana shall be contained within the primary caregiver's residential dwelling (except when being delivered by the primary caregiver to a qualifying patient off site) and in an enclosed, locked facility inaccessible on all sides and equipped with locks and other security devices that permit access only by the registered primary caregiver. Any person under eighteen (18) years old shall not have any access to any medical marihuana.
- (o) No on-site consumption or smoking of marihuana is allowed within the residential dwelling (or on the lot or parcel) of a primary caregiver except for any medical marihuana consumption by the primary caregiver himself/herself if he/she is a qualifying patient and in full compliance with the Act.
- (p) No medical marihuana shall be grown, processed or handled at, from or through the residential dwelling of the primary caregiver beyond that which is needed or allowed by law (whichever is less) for the qualifying patients of that particular primary caregiver.
- (q) No sign in the form of a device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity and in this case identifying the residential dwelling as being a place where medical marihuana is grown, sold, processed, kept, or distributed shall be visible outside of the residential dwelling or within any of the windows of the residential dwelling. No sign or other advertising materials identifying a particular dwelling or property as being associated with the use or cultivation of medical marihuana or marihuana in general shall be displayed, posted or distributed.

6.4 Regulations Regarding Qualifying Patients:

- (a) A primary caregiver is required to deliver marihuana to his/her qualifying patients at the residence where the particular

qualifying patient resides. A qualifying patient shall not go to the residence of their primary caregiver to purchase, obtain, smoke or consume marihuana.

(b) Use of marihuana by a qualifying patient shall fully comply with this Article and the Act.

6.5 Required Compliance with Federal Law:

(a) Nothing in this ordinance is intended to grant, nor shall any provisions of this ordinance be construed as granting immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marihuana which is not in strict compliance with the Act, this ordinance and all other applicable laws and regulations.

(b) Since federal laws are not affected by the Act or this ordinance, nothing in this ordinance is intended to grant, nor shall it be construed as granting immunity from criminal prosecution under federal law. The Act and this ordinance do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

6.6 General Regulations:

(a) No medical marihuana shall be grown, utilized, smoked, consumed, processed, distributed, or handled within 1,000 feet of any school, library or day care center or within 500 feet of any City-owned playground/park. Notwithstanding such prohibitions, a qualifying patient may possess and smoke or consume lawful medical marihuana inside of the qualifying patient's residence.

(b) No medical marihuana shall be grown, utilized, smoked, consumed, distributed, or handled within a dwelling or on a residential lot or parcel within 1,000 feet of the residential dwelling of another primary caregiver. Notwithstanding such prohibitions, a qualifying patient may possess and smoke or consume lawful medical marihuana inside of the qualifying patient's residence.

(c) The smoking or consumption of marihuana shall not occur in any public place.

(d) Every primary caregiver, qualifying patient and any other person shall comply at all times and all circumstances with the Act and the regulations of the Michigan Department of Community Health, as may be amended from time to time.

(e) It shall be unlawful to give, sell, dispense, or otherwise distribute medical marihuana (or any marihuana) to anyone other than a primary caregiver or qualifying patient.

(f) Every primary caregiver shall maintain an accurate and complete written record of all medical marihuana purchased, sold, distributed, or dispensed by or through the primary caregiver which shall include, at a minimum, all of the following:

- (1) The identity of the primary caregiver and qualifying patient involved in each transaction.
- (2) The total quantity of, and amount paid for, the medical marihuana for each transaction.
- (3) The date, time and location of each transaction.

(g) All transactions and the above-required information shall be recorded and kept in a numerical register in the order of which the transaction occurs. All such records must be kept in the English language in a legible manner and must be preserved and made available for inspection by the City of Grant for a period of three (3) years after the date of the transaction.

(h) It is unlawful to purchase or otherwise obtain medical marihuana (or any marihuana) from any source other than a primary caregiver who is authorized under the Act to sell or dispense medical marihuana to that particular person.

(i) The City Commission by resolution shall require the issuance of a City permit by the Grant Police Department for each medical marihuana primary caregiver. Permit information shall be kept confidential to the extent the Freedom of Information Act allows. There shall be an initial permit fee and an annual permit renewal fee set by the City Commission per the annual fee rate schedule. The primary caregiver will be required to sign an Affidavit of Compliance in relation to his/her adherence to not only this Article but also any other applicable City of Grant ordinance related to medical marihuana.

6.7 Responsibility for the Premises. A primary caregiver shall be responsible (and shall be deemed to be in violation of this ordinance) for any violation of Article II, Sections 7.1-7.7 or the Act which occurs in the residential dwelling or lot or parcel owned by the primary caregiver.

ARTICLE III

Section 1. Violations and Penalties. A violation of this ordinance shall be deemed to be a civil infraction per approved City of Grant fee rate schedule. A violation may result in the revocation or suspension of a license/permit. In addition to ordering the defendant responsible for a civil infraction to pay a civil fine, the court shall also impose any other costs, damages, and expenses as provided by law. In addition to civil infraction enforcement, the court shall be authorized to issue any judgment, writ, order or equitable relief necessary to enforce, or enjoin violation of this ordinance. Each act of violation and each day upon which any such violations shall occur, shall constitute a separate offense.

Section 2. Severability. This ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

First Reading _____, 2013

Publication Date _____, 2013

Effective Date _____, 2013

Commissioner ____ moved the adoption of the foregoing ordinance, which was seconded by Commissioner _____, and thereupon adopted by the City of Grant at a regular meeting, held this ____ day of _____, 2013.

Terry Fett, Mayor

Sherry Powell, Grant City Clerk