

**CITY OF GRANT
ORDINANCE NO. 55**

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

As Amended by Ordinance No. 55-1, No. 55-2, and No. 60

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Ordinance No. 20: “An ordinance regulating snow plowing, adopted December 12, 1977” is hereby repealed.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, 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;
- (g) Recreational marihuana;
- (h) Sale of Tangible Personal Property

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 statues, 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) Any term defined by the Michigan Medical Marihuana Act (MMMA), MCL 333.26421, et seq, shall have the definition given in the Medical Marihuana Act, and any amendments thereto.
- (b) Any term defined by the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq, shall have the definition given in the Medical Marihuana Facilities Licensing Act, and any amendments thereto.
- (c) Any term defined by the Marihuana Tracking Act (MTA), MCL 333.27901, et seq, shall have the definition given in the Marihuana Tracking Act, and any amendments thereto.
- (d) Application: means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the person filing the Application shall be known as the "Applicant."
- (e) Commercial Medical Marihuana Facility or Facility: means one of the following:
 - (1) "Provisioning Center," as that term is defined in the MMFLA;
 - (2) "Processor," as that term is defined in the MMFLA;
 - (3) "Secure Transporter," as that term is defined in the MMFLA;
 - (4) "Grower," as that term is defined in the MMFLA;
 - (5) "Safety Compliance Facility," as that term is defined in the MMFLA.
- (f) License: means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
- (g) Licensee: means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.

- (h) Permit: means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance; which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
- (i) Permit Holder: means the Person that holds a current and valid Permit issued under this Ordinance.
- (j) Permitted Premises: means the particular building or buildings within which the Permit Holder will be authorize to conduct the Facility's activities pursuant to the Permit.
- (k) Permitted Property: means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
- (l) Primary Caregiver Operation: means a location where a Primary Caregiver can lawfully operate as permitted by the MMMA and this Ordinance. A Primary Caregiver Operation is not a Commercial Medical Marihuana Facility.
- (m) Marihuana: means that term as defined in Section 7106 of the Michigan Public Health Code. 1978 PA 368, MCL 333.7106
- (n) Medical Marihuana: means that term as defined in MCL 333.26423.
- (o) Paraphernalia: means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
- (p) Person: means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

6.2 Authorization of Commercial Medical Marihuana Facilities. The following medical marihuana facilities may be authorized to operate within the City by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:

- (a) No grower(s) shall be authorized in the City.
- (b) No processor(s) shall be authorized in the City.
- (c) Not more than 1 (one) provisioning center(s) shall be authorized in the City.
- (d) Not more than 1 (one) safety compliance facilities shall be authorized in the City.
- (e) Not more than 1 (one) secure transporter(s) shall be authorized in the City.

6.3 Permit Required for Commercial Medical Marihuana Facilitates

- (a) No person shall operate a Commercial Medical Marihuana Facility in the City of Grant without a valid Commercial Medical Marihuana Facility Permit issued by the City of Grant pursuant to the provisions of this ordinance.
- (b) A application fee shall be paid by each Commercial Medical Marihuana Facility Applicant under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the Grant City Commission.

- (c) No permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and has been granted a Permit by the City. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
- (d) A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the City, without first obtaining a separate Permit.
- (e) No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence or in any area of the City where the predominant land use of the proposed Medical Marihuana Facility are residential.

6.4 Application for and Renewal of Permits.

- (a) An Application for a Permit for a Facility shall be submitted to the Grant City Manager, and shall contain the following information:
 - a. The name, address, phone number and email address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility;
 - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility.
 - c. One (1) copy of all the following:
 - i. All documentation showing the proposed Permit Holder's valid tenancy, ownership, or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
 - ii. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicates its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
 - iii. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - iv. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations,
 - v. Application for Sign Permit, if any sign is proposed.
 - vi. Application Fee.

- vii. Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - 1. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - 2. A security plan, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 - 3. A description by category of all products to be sold.
 - 4. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemical proposed for use in the Commercial Medical Marihuana Facility.
 - 5. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
 - 6. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
 - viii. An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
 - ix. Whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application denial, restrictions, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - x. Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
 - xi. Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
- d. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.

- e. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.
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- (b) Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the City Manager not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a completed Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The City will not accept Renewal Application after the expiration date of the Permit.
 - (c) Approval, Issuance, Denial and Appeal. All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a completed Application and all required fees. The City of Grant shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the City for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The City has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the City receives a complete Application, as determined by the City Manager. A determination of a complete Application shall not prohibit the City from requiring supplemental information.
 - (d) Applications for new Permits where no building is as yet in existence. Any Applicant for a Commercial Medical Marijuana Facility Permit whose building is not yet in existence at the time of the City's initial approval shall have one year immediately following the date of the City's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.
 - (e) Duty to Supplement.
 - a. If, at any time before or after a Permit issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which changes occurs.
 - b. An Applicant or Permit Holder has a duty to notify the City Commission in writing of any pending criminal charge, and any criminal conviction of a felony or other

offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.

- c. An Applicant or Permit Holder has a duty to notify the City Commission in writing or any pending criminal charge, criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption or any form of Marihuana, the MMMA, the MMFLA, the MRTMA, and building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption or any form of Marihuana by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.

6.5 Operational Requirements for Commercial Medical Marihuana Facilities. A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the City shall at all times comply with the following operational requirements, which the City Commission may review and amend from time to time as it determines reasonable.

- (a) Scope of Operation. Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments. The Facility must hold a valid local Permit and State Commercial Medical Marihuana Facility License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner, Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable are satisfied.
- (b) Required Documentation. Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of the Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
- (c) Security. Permit Holders shall at all times maintain a security system that meets State law requirements, and shall include the following:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
 - b. Robbery and burglary alarm system which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking safe permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight;
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises,

nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and

- e. All security recordings and documentation shall be preserved for at least 48 hours by the Permit Holder and made available to any law enforcement upon request for inspection.
- (d) Operating Hours. No Provisioning Center shall operate between the hours of 10:00 p.m. and 8:00 a.m.
- (e) Required Spacing. No Commercial Medical Marijuana Facility shall be located within one thousand (1,000) feet from any educational institution or school, college or university. No Commercial Medical Marijuana Facility shall be located within two hundred (200) feet from any church, house of worship or other religious facility, or public or private park, with the minimum distance between uses measured horizontally between the nearest property lines.
- (f) Use of Marijuana. The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including marijuana, on the Permitted Premises is prohibited.
- (g) Indoor Operation. All activities of Commercial Medical Marijuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marijuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
- (h) Unpermitted Growing. A Patient may not grow his or her own Marijuana at a Commercial Medical Marijuana Facility.
- (i) Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises.
- (j) Waste Disposal. The permit holder, owner and operator of the Facility shall use lawful methods in controlling waste or byproducts from any activities allowed under the License or Permit.
- (k) Transportation. Marijuana may be transported by a Secure Transporter within the City under this Ordinance, and to effectuate its purpose only:
 - a. By Persons who are otherwise authorized by state law to possess Marijuana for medical purposes;
 - b. In a manner consistent with all applicable state laws and rules, as amended;
 - c. In a secure manner designed to prevent the loss of the Marijuana;
 - d. No vehicle used for the transportation or delivery of Marijuana under this Ordinance shall have for markings the words "Marijuana", "cannabis" or any similar words; pictures or other renderings of the Marijuana plant; advertisements for Marijuana or for its sale, transfer, cultivation, delivery,

transportation or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.

- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- (m) Additional Conditions. The City Commission may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as many be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

6.6 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 or processing 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.
- (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 five hundred (500) feet from any school, library or day care center as defined by Michigan law. The residential dwelling for the primary caregiver shall be located more than two hundred (200) 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 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.
- (p) 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.

Section 7. Recreational Marihuana.

(Section Repealed by Ordinance No. 60)

Section 8. Sale of Tangible Personal Property.

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

- (a) "Person" shall mean any private individual, family group, association of individuals, voluntary association, firm, partnership, company, corporation, entity or private organization of any kind, either singular or plural. "Person" shall also include spouse, children, residents of a household or other residents of residential premises.
- (b) "Personal Property" shall mean tangible property that is owned, utilized and maintained by an individual person or the members of his or her residence and acquired in the normal course of living in or maintaining a residence. It shall also mean merchandise that was purchased for resale or obtained on consignment.
- (c) "Yard Sale" shall mean all general sales, open to the public, conducted from or on a residential premise or in any residential zone as defined by the Zoning Ordinance of the City of Grant, for the purpose of disposing of personal property or other property. The sale shall be for the display for sale, barter, trade or auction, or the sale, barter, trade or auction of or offer to sell, barter, trade or auction any item of personal property from a property, whether inside or outside a building or structure located within the incorporated area of the City of Grant. This term shall be deemed to include, but not be limited to all sales entitled "garage," "estate," "moving," "auction," "porch," "yard," "backyard," "lawn," "room," "rummage," "driveway," "attic," "patio," "carport," "basement," "tag" and "flea market," and sales of the same nature as the foregoing by whatever name.

8.2 Prohibition of Yard Sales. No person shall have, hold, cause to be held or permit to be held a yard sale on property within the City of Grant except a person may have, hold, cause to be held or permit to be held a yard sale only under the following limitations:

- (a) Person conducting or sponsoring a yard sale shall obtain a permit from the City of Grant.
- (b) The sale shall not exceed three (3) consecutive days in length.

- (c) No more than three (3) yard sales shall be held by any person or on any particular lot or location in any calendar year.
- (d) Sales shall be conducted only between the hours of 8:00 AM and 6:00 PM local time.
- (e) Personal property offered for sale may be displayed within the residence, in a garage, carport or yard, but only in such areas. No property offered for sale at a yard sale shall be displayed in any public right-of-way, street or alley or on or across any sidewalk.
- (f) All personal property for sale and all sales materials, including but not limited to tables, tents, and tarps shall be removed from the exterior of the premises within twenty-four (24) hours of the conclusion of the sale.

8.3 Permit fee; registration of sale. A yard sale permit fee in the amount established by the City of Grant fee rate schedule shall be paid to the City of Grant and a Permit shall be issued by the City of Grant and displayed by the person conducting or sponsoring the sale, in a prominent location on the lot of the sale.

8.4 Exemptions. This section shall not be applicable to:

- (a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Any sale conducted by any merchant or mercantile or other business, commercial or industrial establishment from or at a place of business as would be permitted by the Zoning Ordinance.
- (d) Person selling or advertising for sale an item or items of tangible personal property specifically named or described in the advertisement and which separate items do not exceed three (3) in number.

8.5 Signs. One sign advertising the sale may be placed on the property on which the sale will be conducted. In addition, two directional signs may be placed elsewhere, but only on private property and with the consent of the owner or resident of such property. Said signs shall:

- (a) Not exceed an area of eight (8) square feet.
- (b) Be placed no earlier than 6:00 PM on the day before the sale begins and must be removed within two (2) hours of the conclusion of the sale.

- (c) Be placed within a location that would not inhibit or obstruct the vision of drivers on public street or entering or exiting driveways or of pedestrians along sidewalks.
- (d) Not be illuminated by any artificial means.
- (e) Contain the address of the location of the sale.
- (f) Not be placed by any method or means, including but not limited to being taped, wired, glued, or in any way affixed:
 - a. On or over any public property
 - b. On any utility pole, light pole, streetlight, or street name sign.
 - c. On any traffic control device, including but not limited to any sign, signpost, signal control box, signal post, crosswalk signal post, barrel, or barricade.

8.6 Removal of Unsafe or Unlawful Signs. If a police officer, code enforcement officer, firefighter, city administrator, or any other official designated by the City Manager determines that any sign regulated by this ordinance is unsafe or violates Section 8.5 of this Ordinance, then the official shall remove the sign or require its immediate removal.

8.6 Right of Entry for Enforcement and Inspection. A police officer, code enforcement officer, firefighter, city administrator, or any other official designated by the City Manager shall have the right of entry to any premises showing evidence of a sale of tangible personal property for the purposes of enforcement or inspection and may close the premises from such a sale or issue a civil infraction citation, or in the case of a police officer, arrest any individual who violates provisions of this Ordinance.

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.