

**CITY OF EASTPOINTE  
COUNTY OF MACOMB  
STATE OF MICHIGAN**

**ORDINANCE NO. 1203**

**AN ORDINANCE TO AMEND CHAPTER 10, ADMINISTRATION, ARTICLE X, MEDICAL MARIHUANA FACILITIES, OF THE CITY OF EASTPOINTE CODE OF ORDINANCES**

**The City of Eastpointe ordains:**

**Section 1. Medical Marihuana Facilities.**

Article X, Medical Marihuana Facilities, Sections 10-226, 10-228, 10-230, 10-232 and 10-237 are amended to read as follows:

**ARTICLE X. MEDICAL MARIHUANA FACILITIES**

**Sec. 10-226. Definitions.**

For the purposes of this article:

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(g) The following terms shall have the definitions given:

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*Permit application* refers to the requirements and procedures set forth in section 10-230.

*Permit holder* means the person that holds a current and valid permit issued under this article.

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**Sec. 10-228. Permit Required.**

(a) No person shall own or operate a medical marihuana facility within the city without first applying for special land use and site plan review and receiving approval from the Planning Commission and City Council and receiving a permit from the building department and must also obtain a license from the State of Michigan.

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**Sec. 10-230. Application for and renewal of permits.**

(a) **Application.** An application for a permit for a facility shall be submitted to the clerk, and shall contain the following information:

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(3) One copy of all of the following is required for the application and renewal of permits:

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(I) **Special Land Use Application.**  
Use of any property or structure as a Marijuana Facility requires Special Land Use Review, in conformance with Article V of the city's Zoning Ordinance, Chapter 50, which includes a public hearing, and a recommendation by the Planning Commission to the City Council for final approval. Special land use application must be made with the building official.

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(c) **Approval, issuance, denial and appeal.** All inspections, review and processing of the application shall be completed within 90 days of receipt of a complete application and all required fees.

An application shall not be approved unless:

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(2) The building official has confirmed the proposed location complies with the zoning ordinance and this article.

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(e) A committee, consisting of the city manager or designee, the director of public safety, and the building official or economic development manager, shall approve or deny the permit application within 90 days of receipt of the completed application and fees. 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 an

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approved application. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a permit application may be appealed within 21 days of the denial, to a hearing officer, provided that the pendency of an appeal shall not stay or extend the expiration of any permit application. The city has no obligation to process or approve any incomplete permit application; and any times provided under this article shall not begin to run until the city receives a complete permit application, as determined by the committee. A determination of a complete permit application shall not prohibit the city from requiring supplemental information.

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**Sec. 10-232. Minimum operational standards of provisioning centers.**

The following minimum standards for Provisioning Centers shall apply:

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(m) All registered patients must present both their Michigan Marihuana Patient/Caregiver Identification Card and a government issued photo identification prior to entering restricted/limited areas or non-public areas of the Provisioning Center, and if no restricted/limited area is required, then promptly upon entering the Provisioning Center.

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**Sec. 10-237. City requirements.**

The building official shall provide the following information to the Department within ninety (90) days after the city receives notification from the applicant that the applicant has applied for a License under the MMFLA:

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**Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Repealer.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4. Publication.**

The Clerk shall publish this Ordinance within ten days in a newspaper printed and circulating

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within the City of general circulation.

**Section 5. Effective Date.**

This Ordinance shall become effective ten days after date of adoption by the City Council.

**CERTIFICATION**

We, Monique Owens, Mayor, and Elke Doom, City Clerk, for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance 1203 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, November 17, 2020.



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Monique Owens, Mayor



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Elke Doom, City Clerk

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