

ORDINANCE NO. 2024-02

CITY OF ROYAL OAK,

OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend the 2008 Ordinance Adopting the Royal Oak Code of Ordinances, codifying and adopting a new Code of the City of Royal Oak by amending Sections 435-2C, 435- 5A(2),(9)&(10), of Article I, Recreational Marihuana Establishments of Chapter 435, Marihuana, of the Code of Ordinances, City of Royal Oak, Michigan, to adopt provisions for the granting of special licenses for marihuana event organizers and temporary marihuana events consistent with the City's Zoning Ordinances.

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. Amendment.

That Sections 435-2C, 435-5A(2), (9)&(10) of Article I, Recreational Marihuana Establishments of Chapter 435, Marihuana, of the Code of Ordinances, City of Royal Oak, Michigan are hereby amended, to read as follows:

Sec. 435-2C.

No person shall operate a marihuana establishment at any time or any location within the city unless a currently effective municipal license for that person at that location has been issued under this article. No marihuana establishments are allowed nor shall a municipal license be considered or granted for those activities and facilities defined as a "special license," under Mich. Admin. Code R. 420.21, being a state license described under Section 8 of the MRTMA and issued by the state pursuant to Section 9 of the MRTMA, MCLA 333.27958 and 333.27959, as may be amended, including, but not limited to, designated consumption establishment, excess marihuana grower, and any special license types hereafter recognized by the state, except that the city commission may grant a special license for a marihuana event organizer and a temporary marihuana event.

Sec. 435-5A(2).

Permanent location. Each permanent marihuana establishment shall be operated from the municipally licensed premises on the municipally licensed property. No permanent marihuana establishment shall be municipally licensed to operate from a movable, mobile or transitory location, except for a municipally licensed or licensed secure transporter when engaged in the lawful transport of marihuana. No person under the age of 18 shall be allowed to enter into the municipally licensed premises without a parent or legal guardian.

Sec. 435-5A(9).

Use of marihuana. The sale, consumption or use of alcohol or tobacco products on the municipally licensed premises is prohibited. Smoking or consumption of controlled substances, including marihuana, on the municipally licensed premises is prohibited except for a properly licensed temporary marihuana event.

Sec. 435-5A(10).

Indoor operation. All activities of marihuana establishment, including, without limitation, distribution, growth, cultivation, or the sale of marihuana, and all other related activity municipally licensed under the municipal license holder's license or municipal license must occur indoors. The marihuana establishment'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 municipally licensed premises. No consumption of marihuana shall take place on the premises of a marihuana establishment except for a properly licensed temporary marihuana event.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days and between the hours of 8:00 a.m. and 12:00 p.m. on Fridays.

Michael Fournier, Mayor

Melanie Halas, City Clerk

Date Adopted: 02/12/2024
Date Published: 02/14/2024
Effective Date: 02/22/2024