

**ORDINANCE NO. 2024-04
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 Section 435-4D(7), of Article I, Recreational Marihuana Establishments of Chapter 435, Marihuana, of the Code of Ordinances, City of Royal Oak, Michigan, to add provisions for obtaining additional extensions of a municipal license for marihuana establishments in the City.

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. Amendment

That Section 435-4D(7), of Article I, Recreational Marihuana Establishments of Chapter 435, Marihuana, of the Code of Ordinances, City of Royal Oak, Michigan, is hereby amended, to read as follows:

Sec. 435-4D(7)

- (7) If all the condition of the article have been met, the City Clerk shall issue the municipal license to the applicant.
- (a) All municipal licenses issued have the following stipulations:
- [1] Issuance of license qualification by the State of Michigan for the municipal license holder under state law and the City of Royal Oak receiving a copy of that license qualification prior to occupancy.
 - [2] Issuance of final certificate of occupancy for the municipally licensed premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules, or regulations.
 - [3] For processors and Class A, B, and C growers and microbusinesses proposing to connect to or to contribute to the POTW, a wastewater discharge permit.
 - [4] Issuance of final approval by the State of Michigan and the City of Royal Oak receiving a copy of the final approval prior to the business opening.
- (b) A municipal license holder has one year from the date of issuance to meet all stipulations of the municipal license. If all stipulations are not met in this time frame, the municipal license is revoked and considered denied. A municipal license holder may request one extension not to exceed six months from the license's original expiration date, which may be granted by the City Clerk.
- (c) If a municipal license holder obtains a first extension but has not met all stipulations of the municipal license at the end of the extended period, it may request up to four additional subsequent extensions not to exceed six months from the end of each extended period, upon payment of the non-refundable application fee for the municipal license renewal. The City Clerk may grant an extension only upon receipt of written evidence supplied by the municipal license holder that either of the following conditions exists:
- [1] The license holder has a current, unexpired building permit and is actively engaged in construction of the approved improvements on the municipally licenses property. For purposes of this subparagraph, "actively engaged in construction" means that the license holder demonstrates that workers are on site performing construction and are being paid for their work, and that the license holder has complied with all conditions of the building permit, including but not limited to obtaining regular, required inspections.

[2] All approved improvements on the municipally licensed property are complete, the license holder has applied to the Department for a state marihuana license, and the license holder has not received a response to its application from the Department. If the municipal license holder receives a state license from the Department, the renewal fee paid with the request for a second extension shall be valid for one year from the effective date of the state license.

If neither of the foregoing conditions exists, the municipal license is revoked and considered denied at the end of the first extension period.

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 other 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.

The 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: 04/08/2024
Date Published: 04/11/2024
Effective Date: 04/18/2024