AN ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Section 30-807
of Article XV of Chapter 30, Marihuana Businesses, to Increase the License Limit and to
Modify Penalties

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 30-807 of Article XV of Chapter 30 of the Berkley Code of Ordinances shall be amended, as follows:

(a) The city council finds and determines that it is in the public interest and serves a public purpose to limit the maximum number of licenses that the city may issue to three-five (5) marihuana business locations, with the acceptable uses as follows:

(1) Adult use marihuana retail establishments;

(2) Medical marihuana provisioning center establishments;

(b) The city council finds and determines that it is in the public interest and serves a public purpose to prohibit the following marihuana business uses from receiving a license from the city:

(1) Adult use and medical marihuana secured transporter establishments; and

(2) Designated consumption establishments; and

(3) Marihuana event organizer; and

(4) Temporary marihuana events; and

(5) Adult use and medical marihuana growing facility establishments; and

(6) Adult use and medical marihuana processing establishments, and

(7) Adult use and medical marihuana safety compliance facilities; and

(8) Adult use marihuana microbusiness establishments.

(c) Should a license for a marihuana business become available due to expiration, revocation, or non-renewal, the city manager shall set an application period and receive applications for a license(s) for a marihuana business over a 14 day period. At the end of the 14 day period, all properly submitted and complete Applications shall be subject to examination and review by the city. The city may elect to issue or not issue licenses for any of the permitted uses or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this article.
SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than $500, and/or such other sanctions and remedies as prescribed in Article XV of Chapter 30 of the Code of Ordinances.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

________________________________________
Dan Terbrack
Mayor

Attest:

________________________________________
Victoria Mitchell
City Clerk