

The City will hold a public hearing to consider the adoption of proposed Ordinance No. 2021-03 which would have the City repeal Section 112.03 in its entirety, Ordinance No. 2021-02, March 10, 2021 and replace with the new proposed language. The hearing is scheduled for Wednesday, September 15, 2021 at 4:30 p.m. in the Council Chambers in City Hall, located at 106 W. Genesee Street, Iron River, Michigan 49935. Written comments can be sent to the City Clerk at the fore mentioned address or at clerk@ironriver.org.

Sec. 112.03 Licensing of Recreational Marihuana Establishments.

~~Number of Permitted Facilities. The maximum number of recreational marihuana establishments permitted in the City shall be, two (2) Microbusinesses Facilities, two (2) Retailer Facilities, and two (2) Grow Facilities either Class B or Class C.~~

~~1. No recreational marihuana establishment shall be eligible to be issued a license unless at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the City Zoning Ordinance, as required for the specific type of recreational marihuana establishment for which licensure is being sought.~~

~~a. Retail Facilities shall only be located in City Zoning Districts CBD, C-1, C-2 AND I.~~

~~b. Microbusiness Facilities shall only be located in City Zoning Districts C-1, C-2 and I. Excepting in the District C-1, a corridor one hundred and fifty (150) feet on either side of Adams Street between 9th Avenue and River Avenue.~~

~~c. Grow Facilities shall only be located City Zoning District I~~

~~2. A licensee shall not operate a recreational marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk. Provided further, no such establishment shall be located within 1,500 feet from a school.~~

(A) License and Annual Fees Required.

~~1. No person shall establish or operate a recreational marihuana establishment in the City without first having obtained from the City and the State a license for each such establishment to be operated. License certificates shall be kept current and publicly displayed within the establishment. Failure to maintain or display a current license certificate shall be a violation of this Ordinance.~~

~~2. An annual, nonrefundable licensing fee to defray the administrative and enforcement costs associated with recreational marihuana establishments~~

~~_____ located in the City of not more than \$5,000.00 per license as set by
_____ resolution adopted by the City Council.~~

~~_____ 3. _____ The annual, nonrefundable application/reapplication fee, as determined by
_____ the Iron River City Council Resolution from time to time per license
_____ required under this Section shall be due and payable with the application
_____ for license and upon the application for renewal of any such license under
_____ this Ordinance.~~

~~_____ 4. _____ The annual, nonrefundable inspection fee, as determined by Iron River
_____ City Council Resolution from time to time, per licensed establishment
_____ required under this Section shall be due and payable with the
_____ application for annual inspection and upon the application for renewal
_____ of any such license under this Ordinance.~~

~~_____ 5. _____ The fees set forth herein shall be in addition to, and not in lieu of, any
_____ other licensing and permitting requirement imposed by any other Federal,
_____ State, or City ordinance, including by way of example, any applicable
_____ zoning or building permits.~~

~~_____ 6. _____ The issuance of any license pursuant to this Ordinance does not create
_____ an exception, defense or immunity to any person in regard to any
_____ potential criminal liability the person may have for the production,
_____ distribution or possession of marihuana under Federal Law.~~

~~_____ 7. _____ A separate license shall be required for each establishment type or
_____ premise from which a recreational marihuana establishment is
_____ operated.~~

~~(B) _____ **Application Requirements/Merit Base Review**~~

~~_____ 1. _____ A person seeking a license pursuant to the Act and the provisions of this
_____ Ordinance shall submit an application to the City on forms provided by
_____ the City. At the time of application, each applicant shall pay a
_____ nonrefundable application fee to defray the costs incurred by the City
_____ for background investigations and inspection of the proposed premises,
_____ as well as any other costs associated with the processing of the
_____ application. In addition, the applicant shall present a suitable form of
_____ identification.~~

~~_____ 2. _____ The applicant shall also provide a complete copy of their application for
_____ State approval, including, but not limited to:~~

~~_____ 1. _____ Proof of ownership or authorization to use the property for
_____ a recreational marihuana establishment.~~

- ~~_____ a. _____ A notarized statement from the owner of such
_____ property authorizing the use of the property
_____ for a recreational marihuana establishment, if
_____ the applicant is not the owner of the proposed
_____ licensed premises;~~
- ~~_____ b. _____ A copy of any deed reflecting the applicant's
_____ ownership of, or lease reflecting the right of the
_____ applicant to possess, or an option reflecting the
_____ applicant's right to purchase or lease, the proposed
_____ licensed premises.~~
- ~~_____ 3. _____ If the applicant is a business entity, it shall provide proof that it is in good
_____ standing and authorized to do business in the State of Michigan and the
_____ names and addresses of each officer, director, member, partner or any
_____ individual holding an ownership interest in the entity.~~
- ~~_____ 4. _____ All persons who will have an ownership or controlling interest in the
_____ licensed facility shall provide authorization for the City of Iron River to
_____ conduct and obtain a criminal background and credit history report.~~
- ~~_____ 5. _____ Provide the sources and total amount of the applicant's capitalization
_____ to operate and maintain the proposed Marihuana Facility.~~

~~(C) _____ **Merit Review Process**~~

- ~~_____ 1. _____ License Quotas: License quotas are permitted to the extent regulated
_____ by the State statute and any and all applicable rules and regulations.~~
- ~~_____ 2. _____ Merit Review Process: In order to seek the best candidates for
_____ recreational marihuana establishment licensure for the City of Iron River
_____ the City shall review and score and rank the applicants based upon
_____ their objective merits if the number of license applicants exceeds the
_____ number of licenses available.~~
- ~~_____ 3. _____ Application Window: Following the effective date of this Ordinance, there
_____ shall be an open application period of forty-five (45) days during which the
_____ City shall collect applications for all recreational marihuana establishment
_____ licenses that are subject to a cap. In the event that more applications
_____ for licenses are submitted during this window than the number of licenses
_____ available, those applications would then be reviewed by the staff
_____ consisting of the City Manager, City Clerk, Chief of Police and Zoning
_____ Administrator.~~

 - ~~_____ a. _____ Factors for Scoring. The assigned City staff shall create a
_____ scoring rubric outlining the factors and weight of criteria~~

~~considered for the scoring of such applications, and shall provide the final rubric for modification and final approval by the majority of the City Council. The scoring criteria shall include factors such as the proposed number of employees who would be working at the site, collocating recreational marihuana establishment licenses, proposed facility, the total capital investment, whether the applicant has a history of prior building/code violations and whether the applicant has already received pre-approval by the State of Michigan for licensure.~~

~~b. Determination of Order. Once the applications are scored, individual applicants shall be notified of the order of their placement and those within the cap may proceed through the license application process accordingly. Failure to complete the license application process within six (6) months shall result in the denial of the application, and the next best applicant shall be afforded the opportunity to apply. The resulting list of scorers shall be used as the order for any waiting list, in the event (a) currently existing grandfathered facilities do not pass the State of Michigan's licensure process, (b) other facilities close on their own accord, or close by court order, administrative order, and/or have their license revoked, or (c) the City chooses to raise the license limit for that kind of facility at a future date.~~

~~c. Fees. The non-refundable application and reapplication fee for a recreational marihuana establishment license is \$1,500.00 per license, and the annual fee for recreational marihuana establishment license shall be \$5,000.00. The term of each license shall be one (1) year beginning when the licensee is granted a certificate of occupancy and permit from the appropriate building authority.~~

- ~~• The \$5,000.00 annual license fee begins and commences at the time of the receipt of the applicant's certificate of occupancy.~~

~~(D) **Denial of Application and Due Process**~~

- ~~1. The City shall reject any application that does not meet the requirements of the Act or this Ordinance, or any pertinent provisions of any State of Michigan or City of Iron River laws, rules or regulations.~~
- ~~2. In accordance with the Act, an applicant may be ineligible to receive a license under this Ordinance if any of the following circumstances:~~

- ~~_____ a. The applicant has knowingly submitted an application for
_____ license that contains false, misleading or fraudulent
_____ information, or who has intentionally omitted pertinent
_____ information for the application license.~~
- ~~_____ b. The applicant fails to meet other criteria established by the
_____ Act or other pertinent law and/or obtain a State license.~~
- ~~_____ c. The applicant does not submit proof of Approved for Pre-
_____ qualification with the State of Michigan.~~

~~_____ 3. Denial of Application; Due Process~~

- ~~_____ a. Those applicants denied a license based on qualifications,
_____ may appeal the decision within fourteen (14) days after
_____ denial. The City Council shall hear and decide questions
_____ or requests for due process that arise after City staff have
_____ reviewed and provided a decision that the applicant wishes
_____ to further appeal.~~
- ~~_____ b. The applicant's appeal shall contain a narrative Request for
_____ Due Process that includes detailed information and all
_____ supporting documentation for any/all points they wish to have
_____ City Council consider.~~
 - ~~_____ 1. Within fourteen (14) days after receipt of an appeal, the
_____ City Council shall conduct a hearing at a public meeting
_____ of the Council and a concurring vote of a majority of the
_____ members of the full City Council is necessary to reverse
_____ an order, requirement, decision or determination of an
_____ administrative official in the interpretation of this Ordinance;~~
 - ~~_____ 2. The applicant must be present at the designated Council
_____ meeting or forfeit their right to due process;~~
 - ~~_____ 3. The decision of the City Council is final.~~

~~(E) **Issuance of City Recreational Marihuana Establishment Operating License**~~

- ~~_____ 1. Inspection. An occupancy inspection of the proposed recreational
_____ marihuana establishment by the City shall be required prior to the
_____ issuance of the City operating license in accordance with all
_____ applicable building codes and regulations. Such inspection shall
_____ occur after the premises are ready for operation, but prior to the
_____ stocking of the business with any recreational marihuana and prior~~

~~to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.~~

~~2. In the event that the recreational marihuana establishment is granted a license but fails to substantially comply with its original site plan or operates inconsistent with the manner in which it was represented on the licensing application relied upon by the City staff in scoring the application, the City shall revoke the license and the licensee shall be prohibited from operating a recreational marihuana establishment in the City. The applicant will further be prohibited from applying for a recreational marihuana establishment license in the future.~~

~~3. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation, the City Clerk shall issue a City recreational marihuana establishment license whose term shall run concurrent with the State license for the facility.~~

~~4. Maintaining a valid recreational marihuana establishment license issued by the State is a condition for the issuance and maintenance of the City recreational marihuana establishment operating license issued under this Ordinance and the continued operation of a recreational marihuana establishment.~~

~~5. The City of Iron River will authorize approved recreational marihuana establishment license(s) to entities in the following order and on the condition that a license and facility location are available in the City per City's Zoning Ordinance:~~

~~a. Paid all licensing fees due to the City of Iron River; and~~

~~b. The entity(ies) holds an approved and fully authorized State of Michigan, Department of Licensing and Regulatory Affairs approved Recreational Marihuana Establishment License to the City Clerk; and~~

~~c. An approved certificate of occupancy from the applicable building official; and~~

~~d. All recreational marihuana establishments shall obtain a State license and all other required permits of licenses related to the operation of the recreational marihuana establishment including,~~

~~without limitation, any development approvals or building permits required by any applicable code or ordinance prior to opening to the public; including, but not limited to, any approved Building Permits (as required for any construction/deconstruction) by the City of Iron River Building Official as appropriate.~~

~~e. Proof of Insurance. A licensee shall at all times maintain in full force and effect for the duration of the license, workers compensation, as required by State law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least A-~~

~~f. The policy shall name the City of Iron River and its officials and employees as additional insureds to the limits required by this Section. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage~~

~~g. Applicant will provide any additional information that the City Clerk, Police Chief, Fire Chief, Public Works Supervisor, Zoning Administrator, Building Official, City Manager and/or City Attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.~~

~~(F) License Forfeiture~~

~~In the event that a recreational marijuana establishment does not commence operations within one (1) year of issuance of a City operating license, the license shall be deemed forfeited; the business may not commence operations, unless extended by a majority vote of the full City Council.~~

~~(G) License Renewal~~

~~1. A valid recreational marijuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the City and payment of annual fees.~~

~~a. An application to renew a recreational marijuana establishment license shall be filed at least ninety (90) days prior to the date of its expiration.~~

- ~~b. In the event that the renewed application is not submitted in accordance with this Section, the City will assess a late fee as fixed by City Council for each day that the renewal application is submitted late.~~
- ~~c. In the event that an application is not received by the date of expiration, an additional late fee shall be assigned by the City Council not to exceed \$2,000.00, in addition to the daily late fees outlined herein and annual renewal fee.~~
- ~~d. In the event that an application is not received by the date of expiration, the license will be considered null and void and all operations must immediately cease by Order of the Director of Police and Fire Services.~~
- ~~e. A notice of local revocation will be issued to the State of Michigan and the licensee will have to resubmit all documentation, fees and receive all approvals as a new entity should they wish to reopen their business.~~
- ~~f. Prior to the issuance of a renewed recreational marihuana establishment license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Ordinance. The annual, non-refundable inspection fee, as assigned by the City Council per licensed facility required under this Section, shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this Ordinance.~~

~~(H) **Transfer, Sale or Purchase of License**~~

- ~~1. A recreational marihuana establishment license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marihuana establishment license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this Ordinance.~~
- ~~2. Each operating license is exclusive to the licensee and a licensee or any other person must submit an application for licensure with the City Clerk before a license is transferred, sold or purchased.~~
- ~~3. In compliance with any/all rules issued by the Board regarding the sale,~~

~~transfer or purchase of existing licenses; any entity that holds a Department issued license may transfer or sell their license to a qualifying applicant.~~

~~a. Any entity purchasing or receiving a transferred license must submit an application and all associated documentation and all fees; and~~

~~b. The applicant who is receiving the transfer or purchasing the license must have submitted all new applications, license and inspection fees and received all local and State approvals, including Approved for Prequalification with the State of Michigan on all applications and associated documentation as well as all inspections as outlined in this Ordinance and the Act prior to beginning or taking over operations.~~

~~4. The attempted transfer, sale or other conveyance of an interest in a license without prior Board or City approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.~~

~~(I) License as Revocable Privilege~~

~~1. An operating license granted by this Ordinance is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.~~

~~2. Each license is exclusive to the licensee and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased.~~

~~3. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.~~

~~4. Any effort to circumvent the protocol listed in this Ordinance and/or the City of Iron River Zoning Ordinance will result in the immediate denial of application or complete revocation of the City of Iron River issued Recreational Marihuana Establishment License.~~

~~(J) Nonrenewal, Suspension or Revocation of License~~

~~1. The City may, after notice, suspend, revoke or refuse to renew a license for any of the following reasons:~~

~~a. The applicant or licensee, or his or her agent, manger or employee, has violated, does not meet, or has failed to~~

~~_____ comply with any of the terms, requirements, conditions or
_____ provisions of this Ordinance or with any applicable State or
_____ local law or regulation;~~

~~_____ b. _____ The applicant or licensee, or his or her agent, manager or
_____ employee has failed to comply with any special terms or
_____ conditions of its license pursuant to an Order of the State
_____ or local licensing authority, including those terms and
_____ conditions that were established at the time of issuance of
_____ the license and those imposed as a result of any disciplinary
_____ proceedings held subsequent to the date of issuance of the
_____ license; or~~

~~_____ c, _____ The recreational marijuana establishment has been operated
_____ in a manner that adversely affects the public health, safety
_____ or welfare.~~

~~_____ d. _____ The licensee has not submitted all necessary documentation
_____ and/or fees to renew their license.~~

~~_____ 2. _____ Evidence to support a finding under this Section may include, without
_____ limitations, a continuing pattern of conduct, a continuing pattern of
_____ drug related criminal conduct within the premises or property occupied
_____ by the recreational marijuana establishment, a continuing pattern of
_____ criminal conduct directly related to or arising from the operation of the
_____ recreational marijuana establishment or an ongoing nuisance condition
_____ emanating from or caused by the recreational marijuana establishment
_____ or any other concerns raised by the City staff and/or other local, State or
_____ Federal officials. Criminal conduct shall be limited to the violation of a
_____ State law or regulation or City ordinance.~~

~~_____ 3. _____ Any decision of nonrenewal, suspension or revocation has the right to
_____ due process and may be eligible for appeal to the Iron River City Counsel.~~

~~_____ 4. _____ If the license is revoked or not renewed, the City Clerk shall publish notice
_____ of the availability of said facility.~~

SEC. 112.03.1: LICENSE APPLICATION SUBMISSION

1. An application for a license shall be made in writing to the City Clerk, under oath, on forms provided by the City. Attachments, supporting documentation and supplemental submissions shall be considered part of the application.
2. The application shall contain all the following information:
 - a. A nonrefundable license fee in an amount set periodically by the City Council not exceeding any limit under the Act, to help defray the administrative costs of reviewing the application, including but not limited to application review, communication with the applicant, background investigation, inspections, and verification of data.
 - b. Documentation that the applicant has received approval for pre-qualification with the State of Michigan.
 - c. If the applicant is an individual, the applicant's name, date of birth, mailing address, email address, and one or more phone numbers.
 - d. If the applicant is an entity, the name of the entity, a copy of any articles or DBA for the entity, and the entity's address, phone number, email address, principal office location and names of its officers; additionally, the name and address of each stakeholder in the entity, including designation of one stakeholder or officer as the primary contact person.
 - e. The name and physical address of the proposed marihuana establishment.
 - f. One of the following: (a) proof of ownership of the entire premises wherein the marihuana establishment is to be operated; or (b) written consent from the property owner for the use of the premises in a manner requiring licensure under this ordinance along with a copy of the lease for the premises. 3
 - g. A copy of the applicant's submissions to the State of Michigan for prequalification approval, including waste, air quality, safety, and security plans.
 - h. A waiver, release and hold harmless agreement as to the City, its officers, elected officials, employees, and its other agents from any liability for injuries, damages, and losses of any kind resulting from the operation of any marihuana establishment, including any arrest, prosecution, or damages arising from an alleged violation of local, State or Federal laws or regulations.
 - i. A covenant not to sue to the City, its officers, elected officials, employees or its other agents for any loss, damage, wrong or claim related to the application, issuance, denial or revocation of a license under this ordinance.

3. If the application contains any deficiency, the City Clerk shall notify the applicant by first class mail, and the applicant shall have ten business days from the date of mailing to correct all deficiencies.
4. Upon receipt of a complete application meeting the requirements of this Ordinance, the City Clerk shall transmit a copy of the application to the Chief of Police, City Attorney, and the City Zoning Administrator for their review.

SEC. 112.03.2: LICENSE APPLICATION EVALUATION

1. An application shall not be approved unless:
 - a. The City Zoning Administrator has verified that the proposed marijuana establishment type and location will not exceed the maximum number of applicable licenses as established by the City Council, and that the location complies with the City of Iron River Zoning Ordinance; and, upon completion of the review, has endorsed approval upon the application.
 - b. The Chief of Police has investigated the business and moral character of the applicant as the Chief of Police deems necessary for the protection of the public interest; and the Chief of Police has investigated the suitability of the proposed location, including the parking, traffic, and congestion, to best protect the safety and general welfare of the public and patrons of the proposed marijuana establishment; and, upon completion of the investigation, the Chief of Police has endorsed approval upon the application.
 - c. The City Attorney has reviewed the application for compliance with this ordinance, and all other applicable State laws and regulations; and, upon completion of the review, has endorsed approval upon the application.
2. If the application is not approved, the basis for disapproval shall be stated on the application. The City Clerk shall then notify the applicant by first class mail of the 4 denial, all reasons for the denial, and that no license shall be issued unless all reasons for disapproval are cured within ten business days from the date of the notice.
3. An applicant may amend an application within ten business days after the City Clerk mails a notice of disapproval. An amended application may include additional supplemental material. Upon timely receipt of an amended application, the City Clerk shall resubmit the application for any additional evaluation by the City Zoning Administrator, Chief of Police or City Attorney, as appropriate. If the amended application is again disapproved on the same basis, no further amendments will be considered.
4. Upon obtaining the written approvals required in this Section, the City Clerk shall submit the application to the City Manager, or the City Manager's designee, who shall evaluate each applicant based on the applicant's ability to operate in compliance with the Act at

the proposed location within the City, which may or may not include the following considerations:

- a. Compliance with the application requirements;
 - b. Capitalization and means to operate the proposed establishment;
 - c. Business history and experience;
 - d. Regulatory compliance history;
 - e. Thoroughness of the proposed business plan;
 - f. Integrity and moral character of the applicant;
 - g. History of cooperation with the City during the application process and in previous dealings;
 - h. Adequacy of the proposed location and local economy to support the proposed operations;
 - i. History of investment and involvement in the local community;
 - j. Level of proposed investment in the local community;
 - k. The number of licenses available for that type of marihuana establishment at that location.
5. Upon completion of the report, the City Manager, or the City Manager's designee, shall place the applicant's name on a roll of nominees with a report detailing the evaluation, and deliver the same to the City Council for consideration. The City Council shall then select those nominees who are best suited to operate in compliance with the Act in the City. Any nominee approved by the City Council shall be issued a license by the City Clerk consistent with this ordinance.

SEC. 112.03.3: LICENSE RENEWAL APPLICATION

1. A renewal application shall be made in writing to the City Clerk at least thirty (30) days prior to the expiration of an existing license but not more than ninety (90) days prior to the expiration. While under consideration, the term of an existing license is the later of its original expiration date, and ten business days after notice of a denial is sent by first class mail.
2. A renewal application shall be made under oath on a form provided by the City and shall contain the information required in an initial application under this ordinance.

3. A renewal application must be accompanied by a renewal fee in an amount established by the City Council, not to exceed any limit under the Act, to help defray the administrative and enforcement costs associated with the operation and activities of marihuana establishments in the City.
4. Upon receipt of a timely and complete renewal application, the City Clerk shall refer a copy of the renewal application to the City Zoning Administrator, Chief of Police and City Attorney for review and approval consistent with the review required for an initial application under this ordinance.
5. A renewal application shall not be approved unless:
 - a. The City Zoning Administrator has verified that the proposed location complies with the City of Iron River Zoning Ordinance, including any ordinance amendments since initial issuance of the license, and that the applicant holds a valid special use permit if required; and, upon completion of the review, has endorsed approval upon the renewal application.
 - b. The Chief of Police has reviewed the history of the marihuana establishment's operations to date, and investigated any circumstances, including the business and moral character of the applicant, such as to best protect the safety and general welfare of the public and the marihuana establishment's patrons; and, upon completion of the review and investigation, the Chief of Police has endorsed approval upon the renewal application.
 - c. The City Attorney has reviewed the renewal application for compliance with this ordinance, and continued compliance with all other State laws and regulations, as may have been amended since the initial issuance of the license.
6. A marihuana establishment is not in compliance with this ordinance if a new use within the applicable spacing requirements is established after the marihuana establishment is licensed that would have prohibited the marihuana establishment's operation under the City of Iron River Zoning Ordinance had the use existed prior to the licensing of the marihuana establishment.
7. The process for disapproving a renewal application, including notice of the disapproval, opportunity to amend the application, reconsideration, and final disapproval, shall be the same as the disapproval of an initial application, as set forth in this ordinance.
8. Upon obtaining the written approvals required in this Section, the City Clerk shall issue a renewed license to the applicant.

SEC. 112.03.4 : LICENSES GENERALLY

1. The City Council will, by resolution, establish the fee for the issuance of an initial license and for the renewal of an existing license.

2. The City Council may, by resolution, limit the number of licenses available for any type of marihuana establishment within each zoning district under the City of Iron River Zoning Ordinance.
3. Upon receipt of notification from the State of Michigan that a person has applied for a state operating license under the Act to operate a marihuana establishment in the City, the City Clerk will forward a copy of any license issued under this ordinance together with a copy of this ordinance to the Marihuana Licensing Board within 90 days.
4. Each license issued under this ordinance shall be only for a single marihuana establishment type at a single location.
5. A person may hold multiple licenses under this ordinance; however, a person must apply for a separate license for each marihuana establishment at each distinct location that the person intends to operate in the City.
6. Issuance of a license under this ordinance does not guarantee issuance of a license under the Act.
7. A licensee agrees to indemnify, defend and hold City harmless, together with its officers, elected officials, insurers, employees, and other agents from all liability, claims and demands for any and all injury, damage or other loss arising from operation of and activities related to any marihuana establishment.
8. A licensee agrees to not sue the City, or its officers, elected official, insurers, employees, and other agents, for any loss, damage, wrong or claim related to the application, issuance, denial or revocation of the license under this ordinance.
9. A licensee shall not operate a recreational marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk. Provided further, no such establishment shall be located within 1,500 feet from a school.

SEC.112.03.5: LICENSE TRANSFERS

1. Licenses issued under this ordinance may not be transferred to another person, another location, or both, without the approval of the City Council.
2. To receive approval for a transfer, the person must request the transfer in writing to the City Clerk. The City Clerk shall refer a copy of the transfer application to the City Zoning Administrator, Chief of Police, and City Attorney. No transfer application shall be approved unless the City Zoning Administrator, Chief of Police, and City Attorney all endorse their approval to the transfer application following a review and investigation of the changed circumstances as though the request is an initial license application.

3. The process for disapproving a transfer request, including notice of the disapproval, opportunity to amend the request, reconsideration, and final disapproval, shall be the same as the disapproval of an initial application, as set forth in this ordinance.
4. If written approvals are given as required in this Section, the City Clerk shall submit the request to the City Council for consideration.
5. An operating license granted by this Ordinance is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.
6. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.

SEC. 112.03.6: DENIAL, REVOCATION, AND APPEAL

1. A license application shall be denied if it does not meet the requirements of this ordinance.
2. A license issued under this ordinance may be revoked by the City Clerk, City Manager or City Attorney for any of the following:
 - a. Violation of any provision of this ordinance.
 - b. A fraud, misrepresentation, or false statement contained in the application, or its accompanying documents, statements, certificates or permits, filed to obtain the license, regardless of when it is discovered.
 - c. Fraud, misrepresentation, or false statement while operating the establishment or failure to operate the establishment under the terms of the license.
 - d. The person's conviction of any crime or misdemeanor involving moral turpitude.
 - e. Operating the establishment in an unlawful manner or in such a manner as to constitute a nuisance, a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.
 - f. Not conducting operations authorized by the license for a period of greater than thirty (30) days in any one calendar year, excepting from that period those days where the applicant has a pending application for a marijuana license with the State of Michigan or a special use permit with the City of Iron River, or unless otherwise approved by the City Council.
3. Any person subject to a denial or revocation under this ordinance may appeal the denial or revocation to the City Council. The appeal must be requested in writing, stating the grounds for the appeal, within thirty (30) days of the date of the denial or revocation. The

City Council, upon hearing the appeal, may uphold the denial or revocation, order the license to be issued or reissued, or modify the license with specific conditions. The City Council's determination is final and not subject to judicial review.

(Effective Date

This Ordinance shall take effect thirty (30) days after the final passage thereof.

After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in the *Iron County Reporter*, a newspaper of general circulation in the City.