



NEW HAVEN VILLAGE COUNCIL SPECIAL MEETING AGENDA

April 17, 2024 at 6:30 PM
Municipal Council Room – 57775 Main Street

In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by calling the Village Offices at (586) 749-5301

The New Haven Village Council will hold its Regular Council Meeting at 6:30 pm, in the Municipal Council Room located at 57775 Main Street.

- 1. Call to Order/Pledge/Roll Call**
- 2. Approval of Agenda**
- 3. Public Comments on Agenda**
- 4. New Business**
 - A. Part-Time Office Employee**
 - B. Marijuana ballot initiative update**
- 5. Call from the Floor (limited to three minutes)**
- 6. Call from the Table**
- 7. Adjournment**

Please hold all public comments until call from the floor. There is a 3-minute limit for all calls from the floor. The Council will not take any action on issues raised during call from the floor. This is an opportunity for citizens to voice concerns and thoughts on non-agenda Items.

The Council meetings are set and carried out to conduct the business of the Village. Please turn off all cell phones and pagers before entering the meeting room. Please be courteous to those speaking and others at the meeting.

Thank you.

Initiative Petition

Section 4, Item B.

We, the undersigned qualified and registered electors, residents in the City Township Village of New Haven in the County of Macomb, State of Michigan, respectively petition for:

The circulator of this petition is:
(check one)
 A paid signature gatherer
 A volunteer signature gatherer

The following ballot question pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27956(1)):
Shall the voters of the Village of New Haven approve an ordinance to provide for the number of marihuana establishments allowed within the municipality.

NOTICE
If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained on this petition is invalid and will not be counted.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

	Signature	Printed Name	Street Address or Rural Route	Zip Code	DATE OF SIGNING		
					Month	Day	Year
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [v] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

(Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)



LOCAL PROPOSAL PETITION

To the Honorable Township Clerk of the Village of New Haven: We, the undersigned qualified and registered electors, residents in the Village of New Haven, in the County of Macomb, in the State of Michigan, respectively petition for initiation of an ordinance to amend Chapter 220, Article III to license and regulate adult use retail cannabis establishments within the municipality. We respectfully request that this ordinance be adopted by the Village Council, and that if it be not so adopted, that it be submitted to a vote of the electors of the Village of New Haven for the August 6, 2024 Primary Election.

INITIATED ORDINANCE NUMBER: _____
RECREATIONAL MARIHUANA ESTABLISHMENTS

Should this proposal be adopted?

YES

NO

THE VILLAGE OF NEW HAVEN ORDAINS:

CHAPTER 220

**ARTICLE IV
RECREATIONAL MARIHUANA ESTABLISHMENTS.**

Sec. 220-21 Short title.

This article shall be known and cited as the "Village of New Haven Adult Use Retail Establishment Ordinance".

Section 220-22 Purpose

The purpose of this Ordinance is to authorize and regulate within the Village of New Haven, the business operations of persons licensed by the State to operate an Adult Use Retail Establishment consistent with the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq., and to do all of the following: (1) provide adults twenty-one (21) years of age and older safe access to marihuana; (2) provide for an application fee to apply for an Adult Use Retail Establishment and a fee for any local approvals granted to be renewed; (3) provide for a process to select an Applicant to receive local approval for an Adult Use Retail Establishment, and to provide for a process for those local approval to be renewed, or potentially denied or revoked; (4) comply with the Michigan Regulation and Taxation of Marihuana Act in order to protect and enhance the public health, safety, and welfare; (5) to bring a marihuana business into the Village that demonstrates a commitment to advance the broader interest and goals of the community through high-impact local investment, and who provides employment opportunities to local residents and contractors. Nothing contained within this Ordinance, or within any local approval issued by the Village, shall be construed to relieve a person of the duties and obligations imposed under state laws and regulations. Nothing in this Ordinance is intended to grant individuals immunity from the enforcement of federal laws prohibiting marihuana activity. The provisions of this Ordinance are regulatory in nature and not intended to be interpreted as zoning laws. The provisions of this Ordinance are severable and self-executing. This Ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the Village of New Haven.

Section 220-23 Existing Ordinances

Any existing ordinances, parts of ordinances, or sections in conflict with the provisions of this added Article IV to Section 220 of the Code of the Village of New Haven are without force and effect only to the extent necessary to give this Article IV to Section 220 full force and effect.

Section 220-24 Definitions

1. For the purposes of this ordinance:

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions have been drawn from and are intended to have the same meaning as those terms are ascribed in the Act or its Rules as provided in the Act:

- a. All definitions provided in Section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCL 333.27951 to 333.27967, hereinafter referred to as "MRTMA", are incorporated by reference into this ordinance, except as otherwise provided herein.
- b. "Adult Use Retail Establishment" means a commercial retail business allowed under this Ordinance and pursuant to MRTMA to engage in commercial activity relating to the retail sale of cannabis and related items to persons 21 years of age or older and is synonymous with the term "store".
- c. The term "cannabis" is synonymous with "marihuana" and "marijuana" as defined in the laws of the State of Michigan.
- d. "Clerk" means the Clerk for the Village of New Haven.
- e. The term "Michigan Cannabis regulatory Agency" is synonymous with the term Michigan Marihuana Regulatory Agency, or any successor agency, and is hereinafter referred to as the "CRA".
- f. The term "Licensed Applicant" means an applicant that has received and maintained an Establishment License as a Marihuana Retailer from the CRA more than one year prior to the date the ballot wording of this ballot question is certified to the county clerk pursuant to MCL 168.646(a)(2).
- g. "MRTMA" means the Michigan Regulation and Taxation of Marihuana Act.
- h. The term "stakeholder" means with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or nonprofit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.
- i. "Village" means the Village of New Haven.

To the extent that any terms defined herein are not consistent with the definitions of those same terms under the Act, or any rules promulgated in furtherance of the Act, then those terms as defined in the Act and rules shall be as defined in the Act and rules.

Section 220-25 License, Renewal fees, Application process, Operations

- a. A license issued by the Village of New Haven is required for any Adult Use Retail Establishment to operate in the Village of New Haven, and one such license shall be issued by the Village. The Village shall not issue any other marihuana establishment licenses otherwise available under MRTMA.
- b. An Adult Use Retail Establishment License is valid for one year and the annual renewal regulatory assessments are authorized in the amount of \$5,000.00.

- c. The Clerk shall develop an application process to apply for an Adult Use Retail Establishment license and the Clerk shall establish and make available license application forms no later than 7 days after the effective date of this Ordinance. Should the Clerk fail to provide the license application forms within 7 days of the effective date of this Ordinance, an applicant may prepare their own application forms provided the forms submitted comply with the terms and conditions of this ordinance.
- d. After the effective date of this Ordinance and for an application window period of 7 days thereafter, a Licensed Applicant may submit a complete written application for issuance of an Adult Use Retail Establishment license with payment of a Five Thousand (\$5,000.00) Dollar non-refundable application fee to the Clerk. Time is of the essence for this application window. The application fee shall be credited to the applicant's first annual license regulatory assessment.
- e. Should the Clerk fail to establish and make available the necessary application forms, the application fee shall be reduced to Twenty-Five (\$25.00) Dollars, however the sum of Five Thousand (\$5,000.000) Dollars shall be credited to the applicant's first annual license regulatory assessment.
- f. The complete application for an Adult Use Retail Establishment license shall contain each of the following: a cover sheet with the name, assumed name, physical and mailing address, email and phone number of the applicant, its' officers and directors, and all stakeholders holding an interest in the applicant; Supporting documents to demonstrate the Applicant is a licensed applicant; and documentary evidence to demonstrate the proposed adult use retail establishment location would not violate the restrictions set forth in Section 220-27 of this Ordinance.
- g. The Village shall renew the applicant's Adult Use Retail Establishment license annually and shall not revoke or deny renewal without good cause shown upon 30-days written notice and an opportunity to cure, subject to timely payment of regulatory assessments, but the Village may revoke the Adult Use Retail Establishment license if the CRA revokes the corresponding facility license.

Section 220-26 Process

Within 7 days of application submission after the application window period, the Village Council shall select an applicant and issue an adult use retail establishment license provided the location of the applicant's facility does not violate Section 220-27 of this Ordinance. If more than one applicant submits an application seeking a license, the Village Council shall decide among competing applications by a competitive process to select the applicant who is best suited to operate in compliance with MRTMA according to the following selection criteria, awarding the license based on an objective calculation of the point scored and determining the applicant with the highest score based on a total point score of 100 points:

- a. If the applicant recorded a real property interest in the proposed location of the adult use retail establishment that was recorded with the Macomb County Register of Deeds prior to April 12, 2024, the applicant shall receive 40 points.
- b. If the applicant hand-delivers a written document on the applicant's letterhead that is signed by a stakeholder holding an interest greater than 10% in the applicant, that was tendered to the Village prior to April 12, 2024 where the applicant provided a notarized statement of intention to operate an adult use retail establishment in the Village, the applicant shall receive 30 points.
- c. If the applicant's proposed location is larger than 4 acres in size, the applicant shall receive 30 points.

- d. Points shall be awarded on an all or nothing basis. If the Applicant satisfies the point category, the Applicant shall receive all available points for that category.
- e. If more than one applicant is tied for the highest score, the applicant who filed their interest in real property under Section 220-26(a) first in time with the Register of Deeds shall be awarded the adult use retail establishment license.

Section 220-27 Restrictions on Commercial Activity

- a. Adult Use Retail Establishments are prohibited within an area zoned exclusively for residential use, or is within 900 feet of a pre-existing public or private school providing education in kindergarten or any grades 1 through 12, measured by a straight line from the closest point of the school building to the closest point of the building used for the proposed licensed facility, whether such school is located within or outside the borders of the Village, as provided in MCL 333.27959(3)(c).
- b. Adult Use Retail Establishments shall not be located within the same building or unit occupied by any other type of business or use.

Section 220-28 License Transfer.

- a. An adult use retail establishment license issued under the provisions of this Ordinance is not transferrable to a different location.
- b. An adult use retail establishment license issued under the provisions of this Ordinance may be transferred to a different individual or entity upon the Village receiving written approval from the CRA.

Sec. 220-29 Severability.

If any section, subsection, clause or provision of this Ordinance shall be declared unconstitutional, void, illegal, in conflict with state law or rules promulgated by the CRA, or deemed ineffective by a court of competent jurisdiction, such section, subsection, clause or provision shall thereby cease to be a part of this Ordinance and shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Sec. 220-30 Effective Date

This Ordinance shall take effect immediately upon enactment or immediately upon voter approval, whichever occurs first.

Date of Publication: _____.