

## City of Kalamazoo Administrative Rules Marihuana Business Permit Process

1. **General Description.** The City of Kalamazoo's Marihuana Business local permit process is comprised of two stages: **Stage 1** begins with the submission of a MARIHUANA BUSINESS permit application to the City Clerk's Office and concludes with the issuance of a Provisional Marihuana Business Approval Certificate (Provisional Approval Certificate); **Stage 2** begins when an applicant submits to the City Clerk's Office a copy of a State Operating License issued by the Marihuana Regulatory Agency (and other documents), and concludes with the issuance of a City Marihuana Business Operating Permit (City Operating Permit).
2. **Application Period.** The City Clerk will begin receiving permit applications for Marihuana Businesses on June 1, 2020. There is no close to the application period.
3. **Submission of Applications and Annual Permit Fee; Number of Applications Allowed.** Applicants must submit Marihuana Business permit applications electronically. Complete applications, including all attachments and a copy of photo ID for the person signing the application, should be sent to [greenapps@kalamazoo-city.org](mailto:greenapps@kalamazoo-city.org). A separate permit application shall be required for each premise from which a Marihuana Business is operated. Only one (1) application per premise will be accepted. In cases where the same application form is used to apply for multiple permits, each permit will be considered a separate application under these rules.
4. **Multiple Permits on the Same Premises.** Applicants may apply for multiple permits on the same premises as allowed by state law and City ordinance.
5. **Complete Application Required; Definition.** In accordance with Section 20B-8 of the Kalamazoo City Code, incomplete applications will not be accepted when presented for submission. For the purposes of this section the following elements must be submitted simultaneously in order for an application to be accepted by the City Clerk or his designee: an application form that is signed by the applicant with all required sections filled-in; a copy of acceptable photo ID for the person signing the application; and all necessary attachments as specified on the application and in City ordinance.
6. **Permit Fee; Refunds.** The appropriate Marihuana Business Permit fee(s) must be paid in full **within five (5) business days of receipt of an application**. If the City Clerk's Office does not receive payment by 5:00 p.m. on the fifth business day after electronic receipt of an application, that application will be rejected. The fee can be paid by cash or a check made out to the "City of Kalamazoo" and mailed to:

City Clerk  
City of Kalamazoo  
241 W. South Street  
Kalamazoo, MI 49007

Alternately, the fee can be placed in the drop box behind City Hall near the corner of Lovell Street and St. John's Place or in the drop box for Treasurer's Office payments on the front of City Hall. These drop boxes are checked daily by the Clerk's Office and Treasurer's Office. Please make sure your fee payment includes the name and/or address of your business so that it can be matched with the correct application.

The permit fee is comprised of refundable and non-refundable portions. The non-refundable portion will not be returned to the applicant under any circumstances. The refundable portion will be returned to the applicant under the following circumstances: 1) the application is rejected or denied according to City Code Section 20B-8; 2) the Provisional Approval Certificate expires or is cancelled according to City Code Sections 20B-9(D)-(F); 3) an applicant withdraws their application with a written request sent to the City Clerk; or 4) the City determines during the application process that an applicant's proposed licensed facility does not comply with Section 4.2(AA) of the Zoning Code.

7. **Persons Required to Produce Photo Identification.** At the time a Marihuana Business permit application is submitted, the person signing the application must provide a copy of acceptable photo identification.
8. **Acceptable Forms of Photo Identification.** The following forms of identification will be accepted to fulfill the requirements of Section 20B-7A of the Kalamazoo City Code: a Michigan Driver's License; a Michigan State Identification Card; a Kalamazoo County Identification Card; a current driver's license issued by another state; a current identification card issued by another state; or a U.S. Passport.
9. **Order of Processing; Administrative Review Period.** Applications will be reviewed in the order they are received. The City Clerk will review Marihuana Business Permit applications as soon as is practically possible, with the goal of completing the administrative review process 10 business days after receipt of a complete application and fee payment.
10. **Application Deficiencies; Notification; Ability to Remedy.** If during the administrative review process an application is found to have deficiencies, the City Clerk will notify the applicant via electronic message sent to an email address supplied by the applicant for the purpose of communications regarding the application, application process, Provisional Approval Certificate, and Marihuana Business Permit. The applicant is responsible to accurately supply an active email address to the City Clerk. The City is not responsible for any undeliverable emails. The applicant shall have five (5) business days from the date the email is sent to correct any and all deficiencies. If the identified deficiencies are not remedied by 5:00 p.m. on the fifth business day the Clerk will deny the application. [Sec. 20B-7(D); Sec. 20B-8]
11. **"Eligible" Applications.** Marihuana Business Permit applications submitted during the application period will be considered "eligible" for approval if they fully comply with the requirements of Chapter 20B of the Kalamazoo City Code and Sections 4.1, 4.2, and 12.3 of the City of Kalamazoo Zoning Ordinance including, but not limited to, compliance with all buffer zones, setback requirements, and separation distances. In cases where the

same application form is used to apply for multiple permits, each permit will be considered a separate application.

12. **Issuance of Provisional Approval Certificates.** Upon determining that an application is “eligible” for approval, the City Clerk will issue a Provisional Approval Certificate to the applicant and will sign the appropriate Attestation form(s) for the state’s Step 2 application process. The City Clerk will issue separate Provisional Approval Certificates and Attestations for each eligible permit application.
13. **Resolution of Separation Distance Conflicts.** Applications will be reviewed in the order they are received, and that order received will be used to determine the priority of issuance of Provisional Approval Certificates. The City Clerk will reject any Marihuana Business Permit application for a proposed facility location that violates the minimum separation distances required by the Zoning Code [Section 50-4.4] relative to a Marihuana Business that has an unexpired Provisional Approval Certificate that was issued more than 30 days from the date of receipt of the application in question; or a Marihuana Business that possesses a current City Operating Permit.

Any Marihuana Business Permit application that would be otherwise “eligible” for approval **except for** the minimum separation distances required by the Zoning Code [Section 50-4.4] between the Marihuana Business proposed by the applicant, and a Marihuana Business that has been issued a Provisional Approval Certificate less than 30 days prior to the date of receipt of the application in question, will not be rejected until the City Clerk has received proof of application to the state from the Provisional Approval Certificate holder as required in Section 20B-9(D). If the Clerk does not receive proof of application to the state and cancels the Provisional Approval Certificate, the Clerk will notify the affected applicant(s) and will issue Provisional Approval Certificates to eligible applications in the order they were received.

14. **Proof of Application to the State; Certificate Cancellation for Non-Compliance.** Within 30 days from the issuance of a Provisional Approval Certificate by the City Clerk, the applicant must submit proof to the City Clerk that the applicant has either: 1) applied for prequalification with the State for a state operating license; or 2) submitted full application for a state operating license. If the applicant fails to submit such proof, then the provisional approval will be cancelled by the City Clerk. [Sec. 20B-9(E)]
15. **Final City Inspection.** The Marihuana Business inspections described in Sec. 20B-10(B) will be scheduled and coordinated through the City’s Community Planning and Economic Development Department (CPED). The Department may waive the requirement for a final inspection if the facility has been inspected recently by CPED staff. The City Clerk will verify the inspection requirements with CPED and will notify the applicant whether a separate final inspection is necessary.
16. **Issuance of City Operating Permit; Required Documentation.** In order to receive a City Operating Permit, applicants must be in possession of an unexpired Provisional Approval Certificate and must submit the following documents to the City Clerk: 1) a copy of a valid State Operating License for the same facility type(s) and premises/location for which the City has granted provisional approval; 2) a Security Plan as described in Sec. 20B-23(B); 3) a Hazardous Materials Plan as described in Sec. 20B-

24(B); and 4) proof of insurance as required and described in Sec. 20B-10(E). For the Security Plan, applicants should submit a diagram of the video surveillance system and a copy of the plan submitted to MRA to meet the requirements of state Administrative Rule 333.235(1) for Medical Marihuana Facilities and/or Emergency Rule 35(1) for Adult Use Marihuana Establishments. For the Hazardous Materials Plan, applicants should submit a completed *Chemical Inventory and Storage Form*. The City Clerk will confirm whether this form is already on file with CPED and will notify the applicant if it is not. **Documents 2-4 above can be submitted at any time and do not need to be submitted with the State Operating License.**