

## **CITY OF WESTLAND**

### **MARIJUANA BUSINESS LICENSE RENEWAL CONSIDERATION POLICY**

This Marijuana Business License Renewal Policy (“Renewal Policy”) is adopted on January 3, 2022, pursuant to sections 27-12(c) and (d) of the Westland City Code and sections 2.6 and 9.4 of the Marijuana Business Application Consideration Policy, to create rules for the submission and consideration of applications for the renewal of Marijuana Business Licenses.

#### **ARTICLE I – GENERAL MATTERS**

- 1.1. Terms used herein correspond to the Westland Uniform Marijuana Business Ordinance.
- 1.2. Licensees must complete an application attached hereto as Exhibit A (a “Renewal Application”) to be considered for renewal of the License. The City reserves the right to administratively make changes to the form Applications attached hereto as Exhibit A for the renewal of Licenses and conditional Licenses as it sees fit from time to time.
- 1.3. If any Licensee is disqualified from consideration for renewal for any reason, the Licensee may be eligible to reapply when and if the City accepts new Applications at a later time.
- 1.4. Licensees for renewal may respond to questions by reference to an attachment, provided that the attachment is accompanied by a concise explanation of how the attachment is responsive to the question.
- 1.5. All attachments should be organized in numerical order and placed at the end of the Application.
- 1.6. Any attachment to an application should be marked and tabbed as an attachment to the particular question.
- 1.7. A License will not be valid for any period during which the corresponding state marijuana business license issued by the Marijuana Regulatory Agency for the Business Location is suspended, revoked, expired, or otherwise invalid.

#### **ARTILE II – TIMING AND COSTS OF APPLICATION AND APPROVAL PROCESS**

- 2.1. Applications for renewal will be accepted starting on February 1<sup>st</sup> of each year at 10:00 a.m. with the deadline for submission ending on March 1<sup>st</sup> at 4:00 p.m., and candidates shall submit the application and all accompanying documentation with the Selection Committee c/o the Planning Director. If Licensee misses the deadline for submission, their applications are deemed forfeited, which may be appealed as provided in this Article. If a License is otherwise valid and in good standing, then it will continue in force, subject to applicable laws, policies, terms and conditions, until a final decision by the City Council is made on the Renewal Application, provided that the Renewal Application was timely submitted with the appropriate fees.
- 2.2. Renewals must include a fee of \$5,000 per requested License to help the City defray the administrative and enforcement costs associated with the operation of Marijuana Businesses within the City. Each stacked license and any excess grower license shall require the payment of a separate \$5,000 fee. Renewal application fees are nonrefundable.

2.3. Fees for renewals are in addition to fees for special land use approval, site plan review, certificates of occupancy, any inspections, and all other fees of general applicability.

2.4. Licensees shall be required to be in compliance with all pertinent state laws and rules and all city ordinances, zoning requirements, permits, policies, rules, and license terms on the date of submission of the Renewal Application.

2.5. The Planning Director shall deliver the renewal application and fee to the Selection Committee for consideration and recommendation.

2.6. A License that is placed in non-renewal status or that has been forfeited or revoked shall not be eligible for renewal. For conditional licensees in the initial one-year conditional period, the conditional license will not be renewed or extended unless the conditional licensee has begun preliminary intake review towards site plan and special land use approval.

2.7. Renewals, along with all applicable supporting documents and approvals, shall be considered by the Selection Committee respectively. Based on the requirements of this Policy, the Selection Policy, the Ordinance, and review and comment from pertinent City departments, the Selection Committee shall recommend the approval or denial of the renewal on or before April 1<sup>st</sup> of each year. If approval is recommended, then the City Council shall make a final decision as provided in 2.10 – 2.13. The Committee shall notify the Licensee of its recommendation in writing and the date, time, and method for the filing of appeals. The deadline to file an appeal shall be at least 10 business days from the date notice was sent. A Licensee who does not file a timely appeal waives the right to an appeal.

2.8. A written appeal is limited to a maximum of 10 pages of size 12 Times New Roman or similar sized font. The appeal is limited to the documents possessed by the Selection Committee pertaining to the appellant at the time that the Selection Committee issued its recommendation.

2.9. The Marijuana Business Review Board (the “Board”) will consider an Applicant’s written appeal at a public hearing. The Board may have a representative from any pertinent City department present at the hearing.

2.10. The Applicant will be provided an opportunity to advocate its appeal orally for no longer than 10 minutes. The Selection Committee may file a written response and shall also be afforded an opportunity to respond orally, subject to the same format and time limitations. In addition, any member of the public may comment for a maximum of 3 minutes.

2.9. After hearing the appeal, the Board shall issue a written recommendation that either upholds or modifies the recommendation of the Selection Committee. The City Administration shall forward the Board’s written recommendation and reasoning to the City Council to be placed on an agenda of a regular or special meeting of the City Council.

2.10. The City Council shall consider the recommendations and reasoning of the Selection Committee and the Board and will make a final decision regarding the proposed renewal. The City Council may approve the renewal in whole or in part with any terms and conditions or may deny the renewal. The decision of the City Council as to renewal shall be final.

2.11. Renewal appeals are not adverse license proceeding as contained in Sections 27-20 and 27-21 of the Westland City Code.

2.12. The Licensee must indicate its acceptance of the decision regarding the renewal and any conditions of such renewal in writing to the Planning Director within 10 business days of the City Council's approval, which may be in the form of a letter or email to the Planning Director.

2.13. If the Licensee does not respond within the 10-day period, or does not accept, then the renewal will be considered voluntarily withdrawn, in which case the renewal will not be considered any further.

#### ARTICLE III - COMMUNITY BENEFIT AGREEMENT

3.1. Licensees shall be required to have obtained any necessary approvals from the Planning Commission and have signed a binding Community Benefits Agreement ("CBA") in the initial renewal and may be required to sign an annual form in subsequent years if the City requires it at its sole discretion to verify adherence to this CBA. Either of these requirements must be completed prior to the Licensee submitting its application for renewal under Section 2.1 of this Policy.

3.2. As a condition precedent to renewing any license or conditional license, Licensees must enter into a binding Community Benefits Agreement with the City. The CBA must be in force and effect at the time the Renewal Application is submitted, or the application will not be considered. The Licensee must be in compliance with the CBA at the time of the Renewal Application or the application will not be considered. The City may promulgate a form to ensure the Licensee's compliance with the respective CBAs, which shall be due as part of the renewal process, or at another time designated by the city.

3.3. Licensees shall either certify that they are in compliance with the CBA upon renewal or may submit a request in writing to amend a portion of the CBA or its requirements. This CBA amendment request shall be reviewed by the Selection Committee in the same way as License amendments are reviewed under the Amendment Policy.

3.4. The Selection Committee shall review the CBA requirements and the documentation submitted by the Licensee to determine whether the Licensee has completed all required obligations of the CBA.

3.5. The Selection Committee may enlist the assistance of any other department of the City in making an investigative inquiry into the supporting documents and the veracity of the information submitted as part of the CBA for purposes of its recommendation regarding the CBA.

3.6. The Selection Committee shall make a recommendation for approval or denial of the CBA within 30 days from the date of submission and shall follow all other procedures in Article II, Paragraphs 2.7-2.12 of this Policy in regard to its recommendation and appeal process.

#### ARTICLE IV - RESERVED RIGHTS

4.1. The City of Westland reserves all rights to amend, revise, or revoke this Policy at any time for any reason in its sole discretion.

4.2. Applications and renewals are subject to the rules then in place at the time of submission of that application or renewal, including in the event of a change in policy at a later date.

**EXHIBIT A**

**RENEWAL APPLICATION**