



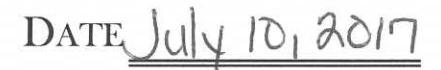
AGENDA
Committee of the Whole
Monday, July 10, 2017 – 5:00 p.m. – note time
City Council Chambers, City Hall 10th Floor

Council Member Spitzley, Chairperson
Council Member Wood, Vice Chair

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - June 26, 2017
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - A.) RESOLUTION - Renaming Lansing City Hall as "David C. Hollister City Hall"
 - B.) RESOLUTION - Annual Consolidated Strategy and Plan Submission & Action Plan Proposed Budget for Community Development Block Grant (CDBG) Fund Resources for FY 2018
 - C.) RESOLUTION – Action in Connection with Groesbeck Golf Course Entrance Investigation
 - D.) RESOLUTION – Consideration of City Council Litigation in Connection with the Groesbeck Golf Course Entrance
 - E.) Medical Marihuana Discussion – COW Draft #1 (If time permits)
6. **Adjourn**

The City of Lansing's Mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
- II. Securing short and long term financial stability through prudent management of city resources.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
- V. Facilitating regional collaboration and connecting communities





MINUTES
Committee of the Whole
Monday, June 26, 2017 @ 4:00 p.m.
City Council Chambers

CALL TO ORDER

Council President Spitzley called the meeting to order at 4:00 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko- arrived at 4:20 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Eric Brewer, Council Internal Auditor
Jim Smiertka, City Attorney
Bob Trezise, LEAP
Karl Dorschimer, LEAP
Kris Klein, LEAP
Josh Hamilton, LEAP
Heather Sumner, Assistant City Attorney- arrived at
Randy Hannan, Mayors Executive Assistant- arrived at 5:09 p.m.
Angela Bennett, Finance Director – arrived at 5:30 p.m.
Elaine Womboldt
Brant Joanson
Kathy Miles
Jeremic Clayborn III

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM JUNE 12, 2017 AS PRESENTED. MOTION CARRIED 7-0.

Presentations

LEAP – Beginning Presentation/Discussion on FY 2017/2018 Budget Policy on Corridor Façade Grant

Mr. Trezise provided introductions of the point person Karl Dorshimer and outlined their proposed PILOT Façade Grant Program. This would not focus in the downtown area, and was a request as part of the FY2018 Budget Policies. The program consists of \$15,000 which would focus on 1-2 facades. Mr. Trezise confirmed they used the program from 8-10 years ago as the template for the program. This PILOT will also include a Committee consisting of representatives from SHIPO, Planning & Neighborhood Development, LEAP and architects. Council President Spitzley asked why SHIPO. Mr. Trezise defended that, no matter if it was a historic building or not, SHIPO has tremendous expertise and understands the architectural structures. In continuing on the presentation, the program will not impact any business in the downtown area, and will be open to anywhere per the specification set by Council. The applicant must be the building owner, or tenant, however if it is the tenant, the building owner must sign off as well. The program will require the applicant provide an upfront cash match. The group will be looking for simple, workable and creative ideas, and in addition the owner and tenant must have all their taxes paid. Mr. Trezise presented the timeline which begins July 5th when the criteria will be launched in the marketing, with a deadline of August 4th, and a final decision made on the project(s) on August 18th, with the written agreement in place by September 22, and complete by December 31, 2017.

Council Member Hussain asked what the eligible activity would be for the grant. Mr. Trezise answered that it could be glass, awnings, signage if part of the façade, but they won't entertain anyone who just wants a sign and call it a façade. Council Member Brown Clarke asked if there are limitations on if it will be temporary or permanent. Mr. Trezise admitted it had not been discussed, but it is presumed that it has to be permanent.

Council Member Wood referred Mr. Trezise and the Committee to page 5 of the document, and asked for an explanation on why. Mr. Trezise answered that it is a boilerplate that clarifies that LEAP is working on behalf of the City. This allows the City, via LEAP, to reserve the right to make decisions on the issues, and he admitted his opinion was that this language was standard on all RFP's. Council President Spitzley voiced her concern with the bullet point on page 5 "defer or abandon the process of the Project." She asked the City Attorney to review the items to determine if the items are standard and necessary.

Council Member Houghton asked if the program would cover repairs to sidewalks in front of the facades, and Mr. Trezise answered it would only be the building.

Council Member Houghton then asked what formats they were using to advertise the program. Mr. Trezise noted social media, websites, and recommendations from Council.

Council Members encouraged Mr. Trezise to attempt to accomplish awarding more than 2 projects this year, and would push for more funding in next year's budget. Mr. Trezise confirmed they would attempt, but at this time they are pushing for more than just painting of facades which would be small amounts of funding.

Council Member Wood asked if they had a condition on someone closing their business and moving after the façade work is done. Mr. Trezise admitted they had not contemplated that scenario, but with the limited amount of facades they can do, and the fact the winners have to pay up front and be reimbursed, they do not believe it would occur.

Council Member Wood asked what was given in the earlier program in 2010. Mr. Trezise noted they did not have the specifics, but their researched reflected \$15,000-\$25,000, and those funds were not City funds but EDC funds.

Council Member Dunbar asked if they were considering financing the businesses. Mr. Trezise noted they were not recommended, and those applicant would not be considered because if they cannot obtain funds to cover the match, they would not be a good project.

Mr. Trezise again noted the tight timeline and asked for support tonight, because a 1-2 week delay would move the completion date out a week. Mr. Smiertka admitted that LEAP already has a contract with the City, so there would be no need for page 5 of the document. The language is standard language in a city RFP, and does not have to be in this document, and not a guideline.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE FY2018 CITY OF LANSING TARGETED PILOT FAÇADE IMPROVEMENT MATCHING GRANT PROGRAM GUIDELINES REMOVING THE LAST PAGE.

Mr. Smiertka confirmed he was comfortable with that change, and stated that does not mean that LEAP cannot have it in the contracts.

MOTION CARRIED 8-0.

It was confirmed that per the budget policies LEAP was asked to work with the Committee of the Whole on the guidelines but it was not required to be adopted as a resolution.

Public Comment

Ms. Womboldt spoke on her opinion on procedures and policies, supported Draft 6D of the Medical Marihuana Ordinance, spoke in opposition to the D & P Draft #1 version asking for the Committee not to even discuss that one.

Mr. Clayborn III spoke in opposition to legalizing of medical marihuana.

Ms. Miles spoke in opposition to marihuana and drinking in businesses.

Discussion/Action:

RESOLUTION – Fiscal Year 2017 Year-End Budget Amendments

Ms. Bennett noted to the Committee that the income tax revenue exceeded expectations then when the budget was set, and those funds will be allocated between Police OT and the Financial Empowerment Center. In regards to the Financial Empowerment \$20,000, the parole program began with the Bloomberg grant, but once that ran out they continued to fund with other grants. It was confirmed that in FY2018 there will be an increase with those grants. Ms. Bennett stated that the requested \$20,000 is an estimate of grants vs. cost. When the grant was approved, \$20,000 was not spent, but they anticipate that by the end of the fiscal year, they may need this new requested amount. Council Member Wood asked for a breakdown on what the expenses will be that will have an allocation of \$20,000 but Ms. Bennett stated they do not have that, but are projecting the estimate.

Council Member Dunbar stepped away from the meeting at 4:47p.m.

Council Member Yorko asked if there were any major changes with partnerships that affected their shortfall in funds. Ms. Bennett confirmed there were, but stated they did not impact this need. \$20,000 is the estimate of the shortfall.

Council Member Brown Clarke asked about the amounts for technology and security, and the \$650,000 for trucks in the fleet account.

Council Member Dunbar returned to the meeting at 4:53 p.m.

Ms. Bennett confirmed the \$650,000 is to purchase (2) trucks. In regards to the technology, in the FY2018 budget it is dedicated to security, this amendment of \$650,000 consists of \$405,000 for security measures for the software infrastructure and the \$130,000 for data analytics. This will also expand Lansing Connect APP and e-filing. Council Member Brown Clarke asked if there would be additional costs or oversight. Ms. Bennett confirmed this would be for the purchase and implementation.

Council Member Washington asked why if both the \$650,000 for technology and \$650,000 for trucks is so important, why they were not included in the budget a month ago. Ms. Bennett stated the truck need has become more relevant. They are still projecting with this increase, but will be close to target by the end of the fiscal year. Council Member Washington spoke in opposition to the request, noting there were other areas the funds could go.

Council Member Wood again voiced her concern on the request from Financial Empowerment, and noted also that since IT and Fleet have a fund balance, the requested \$1.3 million could go the Legacy Funds. Ms. Bennett stated that there is not a fund balance to cover the IT request or the (2) trucks. Council Member Wood asked what the \$1 million in the CIP for vehicles was for. Ms. Bennett was not able to provide the complete list, but noted police cruisers, and heavy duty trucks.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE FISCAL YEAR 2017 YEAR-END BUDGET AMENDMENTS. MOTION CARRIED 6-2.

Council President Spitzley referred the Committee to items in the packet from Andy Schor and Chris Hertl on the revenue sharing.

Council Member Washington stepped away from the meeting at 5:01 p.m.

Ms. Bennett distributed a spreadsheet on Lansing Revenue Sharing.

Council Member Spitzley stepped away from the meeting at 5:02 p.m. and passed the gavel.

In FY2018 there will be difference from the budget at \$377,573 and a difference from the FY2017 projection of \$206,029.

Council Member Spitzley and Washington returned to the meeting at 5:03 p.m.

DISCUSSION – Ordinance Amendments; Chapter 1300 Regulation and Licensing of Medical Marihuana Establishments

Council Member Dunbar stepped away from the meeting at 5:04 p.m.

Council President Spitzley acknowledged Council Member Wood and Hussain for their roles as Committee on Public Safety Chairperson's during the creation process of the Medical Marihuana Regulation and Licensing Ordinance. She also acknowledged all the public that attended those meetings over the last 18 months, and now she stated it was time for the review to begin at Committee of the Whole for all of the Lansing residents to participate. Council Member Spitzley then pointed out this would be not a circumvention of the process, and the ordinance in the end will remain intact once it is adopted. The Committee of the Whole will now continue and complete the process, and without a hastily review, she

appreciated all of Council coming in early to address the task, and anticipated it would take a couple meetings to make sure they adopt something protective to residents and provide a regulatory structure. From this point on she stated the Ordinance will be referred to as COW Draft #1 and then began the discussion on the pending discussion from the last meeting on the "Commission". The Committee was referred to the blue covered document, which was the D & P Draft #1 which incorporated all of Draft #6d from Public Safety noting strike outs and additions.

Council Member Wood referred the Committee to the Draft #6a, which spoke to 7 members; one from each Ward, one representative from a patient advocacy group and 2 members from the business world. The last discussion ended with whether all eight (8) Council Members could make recommendations for the 4 Ward members.

Council Member Dunbar returned to the meeting at 5:11 p.m.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE TO REPLACE 1300.3 IN THE NOW COW DRAFT #1 WITH ALL THE LANGUAGE FROM DRAFT #6A 1300.3.

The Committee held discussion on the recommendations from all of Council for the 4 Ward positions, with the final consensus that Council will submit 8 names with the Mayor finalizing the 4, with one from each Ward. Mr. Hannan pointed out that any Council Member at any time can make a recommendation to the Mayor for any appointment to the City. Council Member Yorke asked Mr. Smiertka if there was a connection or possibility to write the Ordinance Section 1300.3 "Commission" to follow the same requirements as the Ethics Board. Mr. Smiertka read details on the Ethics Board from the Charter, however noted that to set this Commission the same way would require a Charter amendments.

Council Member Dunbar stated her opposition to the "Commission" and wanted the duties performed in the Clerk's office. She added she would agree to the "Commission" however wants every Council Member to have a say in the membership and it should be one from each Ward. Council Member Brown Clarke pointed out that the problem will only occur with the initial creation of the "Commission" because the positions rotate every 2 years. The consensus of the Committee was again for a seven (7) member "Commission". There was also a consensus to have four (4) members recommended by Council in any form, and the other three (3) appointed by the Mayor. Those consist of one (1) from a patient advocacy group and two (2) from businesses.

COUNCIL MEMBER HOUGHTON MADE A MOTION TO AMEND THE LANGUAGE TO THE PROPOSED DRAFT #6A ON THE TABLE FOR 1300.3 (B) (1) TO STRIKE IN LINE 42 – 44 "EACH WHO REPRESENTS A DULY ORGANIZED AND EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION OR NEIGHBORHOOD WATCH GROUP. MOTION TO AMEND CARRIED 5-3.

Council Member Hussain asked if the Ward members would have to be residents of the City. Mr. Smiertka reviewed the Charter for Board member qualifications.

Council Member Yorke stepped away from the meeting at 5:48 p.m.

Mr. Smiertka read the Charter, citing that the member can only be appointed after meeting all qualifications, so they have to be a registered voter in the City.

Council Member Yorke returned to the meeting at 5:49 p.m.

MOTION TO REPLACE 1300.3 IN THE COW DRAFT #1 WITH ALL THE LANGUAGE IN 1300.3 FROM DRAFT #6A CARRIED 8-0.

Council Member Spitzley moved the Committee discussion to the Clerk memo in the packet, asking the Committee to review 1300.6 for the next meeting and take into account for his concerns. She noted and supported the Clerk's recommendation for an ordinance that would provide a license only upon the applicant receiving a license from the State of Michigan. Lastly, the memo spoke to application fees, and Council Member Spitzley noted that would be referred back to when the Committee got to that point in the ordinance.

Council Member Spitzley moved on to the ordinance beginning on page 2, line 38 with the proposed strike out and new language. Council Member Wood stated the language was in 6D because the public wanted all the ACT's listed, and was not sure if Law required it. Council Member Brown Clarke stated she proposes to remove it based on discussions with Law after the City Attorney attended workshops on the topic. Mr. Smiertka confirmed to the Committee that it is not applicable in this portion of the ordinance, but it would be okay to leave it in. The consensus of the Committee was to include "MTA" wherever "MMMA and MMFLA" is listed. It was the consensus of the Committee also to add back in "given in those acts, as amended, and the marihuana tracking act ("MTA", MCL33.27901, ET SEQ. and removed the proposed new language of "provided in those statues, as applicable".

Page 3, lines 1-5 was reviewed and the consensus was to change line 2 to "entity's rights under the MMMA, MFLA and MTA."

Page 3, line 9, the Committee discussed the inclusion of "cultivation facility" and removal of "grower facility". Mr. Smiertka confirmed the language in the State documents for definition was "grower facility". The consensus of the Committee was to add back in "grower facility" and remove the proposed "cultivation facility".

Changes on lines 13, 22, 23 25 and 26 were reviewed and determined to accept the suggested changes.

Council President Spitzley noted that the proposed definition of "Buffered Use" would be noted and the Committee will return to that in a later discussion.

Page 4, lines 23-24 was determined to be removed because it was also noted later on page 5 lines 42-45. (Definition for "Commission" was removed and "Medical Marihuana Commission" or "Commission" remained.)

Page 4, line 29 the consensus was to reinsert "chapter" and remove the suggested "ordinance". The Committee briefly moved to page 6, line 16 where it also spoke to "dries, trims and cures", and after a discussion on the cultivation definition, the definition in the MMMA and definitions in the health code, they added those same three words to the definition of "Cultivation" or "Cultivate" on page 4.

Page 5, line 13-27, definition for "Marihuana", it was the consensus to use the definition from the public health code as read by Mr. Smiertka.

"MARIHUANA" MEANS ALL PARTS OF THE PLANT CANNABIS SATIVA L., GROWING OR NOT; THE SEEDS OF THE PLANT; THE RESIN EXTRACTED FROM ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATIONS OF THE PLANT OR ITS SEEDS OR RESIN.

MARIHUANA DOES NOT INCLUDE:

1. THE MATURE STALKS OF THE PLANT;

2. FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT;
3. ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS, (EXCEPT THE RESIN EXTRACTED FROM THOSE STALKS, FIBER, OIL OR CAKE; OR
4. ANY STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION; OR
5. INDUSTRIAL HEMP GROWN OR CULTIVATED OR BOTH FOR RESEARCH, PURPOSES UNDER THE INDUSTRIAL HEMP RESEARCH ACT.

Council President Spitzley moved the group onto page 5, line 29-33. Council Member Wood asked for the State definition on "Marihuana-Infused Product".

Council President Spitzley stepped away from the meeting at 6:26 p.m. and passed the gavel.

Mr. Smiertka read the following:

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

The consensus of the Committee was to replace the proposed definition for "Marihuana-Infused Product" with the one read by Law.

Page 5, line 36, consensus to keep the recommended addition, along with lines 38-41.

Council Member Houghton stepped away from the meeting at 6:28 p.m.

Page 5, lines 43-45 was confirmed to remain.

Page 6 lines 4-10, and the consensus was to return to the definition, and Council President Spitzley asked the Committee to come to the next meeting with recommendations. After a discussion on operationalizing, multiple sites, the license issued for an establishment, and Law's direction to keep a consistent definition, the consensus was determined to make no recommendations or changes to line 4-10 "Medical Marihuana Establishment".

Council Member Spitzley and Houghton returned to the meeting at 6:30 p.m.

A typo on line 6 was corrected to "possesses".

Page 6, lines 12-17 received a consensus to remove "also known as "medical marihuana cultivation facility".

Page 6, lines 19-20 were deemed okay as presented with "certain" changed to "State".

Council Member Wood asked why the addition of "business" in line 13. Council Member Dunbar answered it was related to the zoning aspect, and that was confirmed by Council Member Brown Clarke.

Page 6, line 22-35 was reviewed and it was the consensus was determined to keep as written.

Page 6 line 38 received a consensus to remain.

Council President Spitzley stated to the Committee and the public that the discussion will continue at the Committee of the Whole meeting on July 10th at 5:00 p.m.

Adjourn

Adjourned at 6:46 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by Committee on



Chris Swope
Lansing City Clerk

May 12, 2017

President and Members of the Lansing City Council
10th Floor, City Hall
Lansing, MI 48933

Dear Councilmembers:

The attached application has been submitted to the City Clerk's Office, and is being forwarded for your consideration and appropriate action:

Sincerely,

A handwritten signature in cursive script that reads "Chris Swope".

Chris Swope, CMC
Lansing City Clerk



**Application for Naming and Renaming Memorials
In the
City of Lansing, Michigan**

Proposed name: David C. Hollister City Hall

Basis and significance of proposed name: David C. Hollister has dedicated his life to public service, and in particular to the City of Lansing. He has made significant contributions and exemplified the highest ideals of stewardship in each of his seven careers: teacher, county commissioner, legislator, Mayor of Lansing, State department director, CEO of Prima Civitas Foundation, and independent consultant. David C. Hollister presided as the Mayor of Lansing from 1994—2003. As Mayor, he created a vision that Lansing become a world class city and began a major revitalization of the City that is still underway. Some of his accomplishments as Mayor include: Established a regional effort to keep and expand General Motors in the Lansing area including the two new state-of-the-art auto manufacturing facilities located downtown and in Delta township as part of an Act 425 regional tax-sharing agreement, Built Oldsmobile Stadium and attracted the Lansing Lugnuts, Restored historic Old Town as a center of artistic and cultural activity, Renovated and constructed over 2,000 housing units, collaborated with the State of Michigan to build five new state office buildings in downtown Lansing, Sponsored a Blue Ribbon Committee of School Improvement that led to 26 different initiatives including HOPE scholarship program, Youth Court, and Project PLAY which rebuilt over 80 playgrounds in the City, Created the first municipal-sponsored Cesar Chavez Commission, Utilized community development block grant funds to establish an Entrepreneur Institute of Mid-Michigan designed to serve low-income people interested in starting a business, initiated the Common Ground music festival, and initiated Neighborhood Improvement Grants to empower citizen-led neighborhood improvement. During his career, Hollister has received numerous Awards and Honors, including: Children's Defense Fund- Washington, D.C.- Child Care Legislator of the Year, National Association of Social Workers, Michigan Chapter- Public Citizen of the Year, Michigan Women's Studies Association, Inc.- Phillip A. Hart Award, Jewish National Fund Tree of Life Award, Leonard Peters Lifetime Achievement Award, and Dr. Martin Luther King, Jr. Legacy Award. Even in retirement, Hollister continues to be actively involved in civic engagement including being a Board member for the Michigan Institute of Contemporary Art, Member of the Information Technology Empowerment Center Executive Board, Lansing Promise Executive Board, Facility for Rare Isotope Beams Committee, and Samaritas (formerly Lutheran Social Services) Advisory Board. He has also been involved with multiple publications and productions, most notably the novel "Second Shift: the Inside Story of the Keep GM Movement," published by McGraw Hill, 2016 and "Second Shift: from Crisis to Collaboration" a documentary film, 2015.

Object, site, or street to be named or renamed: the current Lansing City Hall, and any future site of Lansing City Hall

Current name (if applicable): Lansing City Hall

When you are done with this form, please return it to:

Chris Swope, City Clerk

Lansing City Clerk's Office

Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695

clerk@lansingmi.gov

Impact on residents: No impact foreseen

Impact on businesses: No impact foreseen

Projected implementation cost if application is approved: Nominal

Proposed funding: No additional funds will be needed

Anticipated support and/or opposition to the proposal: It is anticipated that there will be general support for the honorary naming of City Hall after a former, and still well-known and respected, Mayor of Lansing. Potential opposition is not anticipated with respect to the renaming of City Hall.

If the Proposed Memorial involves changing a street name, this application must be accompanied by payment for the estimated cost of mailing notice to owners of all properties with mailing addresses on the subject street and on corners which intersect the subject street.

Applicant's Name: Mayor Virg Bernero

Date: April 11, 2017

Applicant's Address: 124 W. Michigan Ave., 9th floor, City Hall

City: Lansing State: MI Zip: 48933

Main Contact Number: (517) 483-7638 Secondary Contact Number: (517) 483-4141

If you have questions please call: 517-483-4131

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2017 APR 11 PM 3:42
LANSING CITY CLERK

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Lansing City Clerk's Office
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clerk@lansingmi.gov



DRAFT

Memorial Review Board

City of Lansing

Tuesday, May 9, 2017, 6:15 P.M.

**SOUTH WASHINGTON OFFICE COMPLEX
Conference Room
2500 South Washington**

DRAFT MINUTES

The meeting was called to order by the Chairperson.

BOARD MEMBERS PRESENT: Maria Enriquez, Chairperson
Linda Appling, Vice Chairperson
Willie Davis
Angela Moore
Maria Van Core

ABSENT: Chad Rogers

A QUORUM WAS PRESENT

OTHERS PRESENT: Billie O'Berry, Office of the City Attorney
Monica Zuchowski, Office of the City Clerk

PUBLIC COMMENT: There was no public comment

APPROVAL OF MINUTES: Tabled

NEW BUSINESS: Application for Naming/Renaming City Hall for David C. Hollister
Moved by Ms. Moore to support the application Naming/Renaming
David C. Hollister Lansing City Hall
MOTION CARRIED with one abstention

OLD BUSINESS: Review of Naming/Renaming Application
Tabled

ADJOURNED AT 7:15 P.M.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Memorial Review Board received an application requesting the renaming the current Lansing City Hall, and any future site of Lansing City Hall to the David C. Hollister City Hall; and

WHEREAS, the Memorial Review Board met on May 9, 2017 and made a recommendation to the Lansing City Council to approve the request for the renaming of the current Lansing City Hall, and any future site of Lansing City Hall to the David C. Hollister City Hall; and

WHEREAS, in accordance to Chapter 1034.90 of the Code of Ordinances, a public hearing was held on June 26, 2017 in consideration of the proposal.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the establishment of naming the current Lansing City Hall, and any future site of Lansing City Hall to the David C. Hollister City Hall

Bob Johnson, Director
Planning & Neighborhood Development



Development Office
316 N. Capitol Avenue, Suite D-2
Lansing, Michigan 48933
PH: 517.483.4040 – FAX: 517.483.6036
www.lansingmi.gov/development

TO: Council President Spitzley
Members of City Council

FROM: Don Kulhanek, Development Manager

RE: CDBG/HOME/ESG Revisions

DATE: July 6, 2017

You will recall that final approval of the City's Annual Action Plan was postponed while we waited for HUD to provide our annual allocations for FY2018.

We have now received the allocations from HUD. You will see the actual allocations are nearly the same as 2017. In addition, we have revised our estimated HOME program income upward, based on actual revenue during the fiscal year.

The revenue presented to Council previously was:

Program	Annual Action Plan
CDBG Entitlement Grant:	\$1,852,395
CDBG NSP3 Transfer	\$412,961
HOME Program Funds	\$ 574,897
HOME Program Income (est.)	\$194,952
ESG Program Funds:	\$167,841
TOTAL	\$3,203,046

The revised revenue is as follows:

Program	Annual Action Plan
CDBG Entitlement Grant:	\$1,861,812
CDBG NSP3 Transfer	\$412,961
HOME Program Funds	\$ 573,019
HOME Program Income (est.)	\$294,436
ESG Program Funds:	\$166,766
TOTAL	\$3,308,994

This is ready for final consideration by Council. Accompanying this memo are a revised resolution and proposed funding allocations. Thank you.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submits the Annual Action Plan in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Solutions Grant (ESG) program funds, for the upcoming fiscal year 2017-2018; and

WHEREAS, the CDBG, HOME and ESG entitlement amount allocated to Lansing for the upcoming fiscal year, plus program income and a one-time transfer, is \$3,308,994 which is subject to adjustment by HUD; and

WHEREAS, the City estimates the amount of HOME program income to be \$294,436; and

WHEREAS, the City anticipates that HUD will approve a one-time transfer of \$412,961 NSP3 program income into the CDBG program; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which has included meetings and public hearings with several organizations; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on December 6, 2016 regarding housing and community development needs and one on February 7, 2017 regarding proposed Annual Action Plan program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed 2017-18 Annual Action Plan by publishing a summary of the plan in the Lansing City Pulse March 13, 2017; and

WHEREAS, a public hearing will be held by the Lansing City Council on April 10, 2017, to again receive citizen comments and recommendations and to give final review to the Annual Action Plan; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's application and Annual Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Annual Action Plan for the City of Lansing that includes housing and community development goals, objectives, strategies, and budget for the use of community development fund resources for fiscal year 2017-2018 as proposed by the Committee of the Whole; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual Action Plan and application for FY 2017-2018, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to set-up budget line items, provide any and all information, to act in connection with the Annual Action Plan application and to execute all agreements, contracts and legal documents, including the agreement between the City and the Department of Housing and Urban Development, to secure CDBG, HOME and ESG funding and implement the Annual Action Plan programs.

**PROPOSED FUNDING ALLOCATIONS
PROGRAM ACTIVITIES AND USE OF FUNDS
ANNUAL ACTION PLAN 2017 (7/1/17 – 6/30/18)
CITY OF LANSING COMMUNITY DEVELOPMENT OBJECTIVES**

The primary objective of Lansing's Housing and Community Development Program is the development of a viable community which will provide standard housing in a suitable living environment, principally to benefit low and moderate income persons, preserve and expand existing businesses and industries, and create an atmosphere conducive to stability in neighborhoods.

- a. Provide standard housing in a suitable living environment through rehabilitation, new construction and improvement of the housing stock primarily in CDBG eligible neighborhoods and in specifically designated housing target areas.
- b. Provide housing counseling and assistance that will benefit low and moderate-income households.
- c. Promote home ownership for low and moderate-income households and promote deconcentration of poverty.
- d. Maintain at current levels the number of public and assisted housing units available to low and moderate-income households.
- e. Provide homeless prevention assistance, emergency shelter, street outreach and supportive human services for people with special needs, people who are homeless and those at risk of becoming homeless.
- f. Provide assistance for permanent supportive housing and human services for low and moderate income households with a history of chronic homelessness, including those with special needs.
- g. Promote economic opportunity for low and moderate-income individuals by facilitating economic development, providing employment opportunity, sponsoring job training, supporting business development, micro-enterprise lending and business or financial educational programs and initiatives.
- h. Promote economic development to provide jobs, business services and shopping opportunities for residents located in CDBG eligible areas.
- i. Provide community and neighborhood services, recreational opportunities and public facilities and promote neighborhood social cohesion to improve the quality of life in CDBG eligible neighborhoods.
- j. Increase security and safety in neighborhoods by supporting public safety and crime prevention initiatives, public educational programs and citizens' awareness in CDBG eligible areas.
- k. Improve the city's transportation, public facilities and infrastructure systems in CDBG eligible areas.
- l. Protect and improve the city's physical environment, including preventing or eliminating blight, removing lead or other safety hazards, preserving historic

resources, mitigating flood hazards, promoting healthy housing and improving energy fitness in housing occupied by low and moderate-income households.

- m. Promote fair housing objectives.
- n. Provide affordable housing and economic development that benefits low and moderate income people in the context of mixed use development along transit corridors.

COMMUNITY DEVELOPMENT BLOCK GRANT

CDBG Single-family, Owner-Occupied Rehab Program/Public Improvements

Includes loans and grants for rehabilitation of owner-occupied housing units through city sponsored programs, and in conjunction with affordable housing efforts sponsored by nonprofit housing corporations and other state and federal agencies. Includes funds to meet lead hazard reduction regulations in rehabilitated structures, funds to assist in emergency housing rehabilitation, market analysis activities and technical assistance to nonprofit housing corporations, contractors, and low- and moderate-income households. Includes loans and grants for owner-occupied single-family units through city sponsored programs, loans to rehabilitate historic homes in conjunction with rehabilitation of the unit, and loans or grants for ramps, hazard remediation or weatherization. Includes staff, office space, technical assistance, training and other direct project costs associated with delivery of Community Development Block Grant, HOME, Emergency Solutions Grant and other State and Federal Programs.

General street, sidewalk, water/sewer improvements, including assistance to income eligible owner-occupants or those in CDBG-eligible areas for special assessments related to new improvements. Includes improvements to neighborhood parks, recreational facilities; public neighborhood, medical and community facilities in CDBG priority areas.

Proposed funding amount: \$1,381,249

CDBG Rental Rehab Program/Weatherization

Includes loans and grants for rehabilitation of rental housing units through city sponsored programs. Includes funds to meet healthy housing standards and/or lead hazard reduction regulations in rehabilitated structures.

Proposed funding amount: \$ 50,000

Acquisition

Includes acquisition, maintenance and security of properties acquired through programs, and activities related to acquisition, disposition, relocation and clearance of dilapidated structures. Funds may also be used to acquire properties in the flood plain. Includes staff time associated with this activity.

Proposed funding amount: \$1,000

Public Services (limited to 15%)

Includes services for low- and moderate-income individuals such as: homeownership counseling, education, neighborhood counseling, youth and senior programs, neighborhood clean-ups, community gardens, home repair classes. Services are for low- and moderate-income individuals and/or those in CDBG-eligible areas located within the Lansing city limits.

Proposed funding amount: \$ 258,510

Economic Development

Loans, technical assistance and training to low- and moderate-income owners of and persons developing micro-enterprises within or planning to locate within the Lansing city limits. Technical assistance to individuals and for-profit businesses including workshops, technology assistance, and façade improvement loans/grants. Creation of jobs to benefit low and moderate-income city of Lansing residents.

Technical assistance to individuals and for-profit businesses including workshops, technology assistance, façade improvement loans/grants, market analysis, business promotion, referrals for the attraction of new business and expansion of existing business within CDBG-eligible areas of Lansing.

Proposed funding amount: \$129,060

CDBG General Administration (limited to 20%)

Includes staff and other costs associated with preparation of required Consolidated Planning documents, environmental clearances, fair housing activities and citizen participation activities associated with the delivery of CDBG, HOME and other state and federal programs.

Includes planning and general administration costs associated with delivery of CDBG and other state and federal programs. Includes indirect administrative costs and building rent paid to the city.

Proposed funding amount: \$ 454,955

TOTAL CDBG AND NSP3 TRANSFER (\$1,851,812 + \$412,961=) \$2,274,773

HOME

Down Payment Assistance

Funds provided to homebuyers for down payment and closing costs for purchase of a single-family home located within the Lansing city limits. Up to \$15,000 will be available as a 0% interest second mortgage for homebuyers with income at or below 80% of median income. Assistance not limited to first-time homebuyers. May include staff time and/or homeownership counseling fees associated with this activity.

Proposed funding amount: \$101,616

New Construction/HOME Rehab/Development Program

Includes funds for loans and grants for housing construction and rehabilitation with non-profit and for-profit developers, including CHDOs.

HOME funds allocated for housing developed in partnership with the city, including Supportive Housing Program (SHP) and Acquisition, Development and Resale (ADR) activities. Projects may include new construction and rehabilitation activities with non-profit and for-profit developers, including CHDOs. Funds may be used for staff time associated with these activities.

Proposed funding amount: \$ 583,544

CHDO Set-aside (15% minimum required)

Reserved for housing developed, sponsored or owned by CHDOs in partnership with the City.

Proposed funding amount: \$ 86,234

Community Housing Development Organization (CHDO) Operating (limited to 5%)

Funds reserved at option of the City to provide operating funds to CHDO's utilizing the City's HOME funds to produce affordable housing in the community.

Proposed funding amount: \$28,745

HOME General Administration (limited to 10%)

Includes staff and general administration costs to deliver the HOME program.

Proposed funding amount: \$ 67,316

TOTAL HOME \$ 867,455

EMERGENCY SOLUTIONS GRANT (ESG)

Street Outreach

Street Outreach activities.

Proposed funding amount: \$ 5,003

Homeless Prevention

Homeless Prevention activities.

Proposed funding amount: \$50,015

Administrative Activities (limited to 7.5%)

Funds provided to offset the cost of administering emergency solutions program.

Proposed funding amount: \$ 11,688

Homeless Management Information System (HMIS)

Funds will be provided for HMIS and comparable database costs.

Proposed funding amount: \$ 5,003

Shelter Operation

Funds provided to shelter providers to cover cost of maintenance, operations, insurance, utilities and furnishings in shelter facilities.

Proposed funding amount: \$ 95,057

TOTAL ESG: \$166,766

SUMMARY

Forty -Third Year Community Development Resources

Program	Annual Action Plan
CDBG Entitlement Grant:	\$1,861,812
CDBG NSP3 Transfer	\$412,961
HOME Program Funds	\$ 573,019
HOME Program Income (est.)	\$294,436
ESG Program Funds:	\$166,766
TOTAL	\$3,308,994

Administrative, management and operation costs for the above programs include the administration, management and operations of the eligible activities, **as well as other federal and state community development programs in which the city is now or may be participating.**



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Patricia Spitzley and Councilmembers
FROM: Mayor Virg Bernero
DATE: 4-20-17
RE: CDBG Annual Action Plan Adoption - FY 2017-18

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
CDBG Annual Action Plan Adoption - FY 2017-18

Date: February 20, 2017

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

Bob Johnson, Director
Planning & Neighborhood Development



Virg Bernero, Mayor

Development Office
316 N. Capitol Avenue, Suite D-2
Lansing, Michigan 48933
PH: 517.483.4040 – FAX: 517.483.6036
www.lansingmi.gov/development

February 22, 2017

Honorable Mayor Virg Bernero
Ninth Floor City Hall
Lansing, MI 48933-1694

Dear Mayor Bernero:

RE: Proposed Program Objectives and Projected Use of Federal Funds
Annual Action Plan FY 2017 (July 1, 2017- June 30, 2018)

The Lansing Planning Board, at their meeting on February 7, 2017 voted unanimously (4-0) to recommend approval of the Statement of Proposed Program Objectives and Projected Use of Community Development Fund Resources for the Annual Action Plan FY 2017 (July 1, 2017- June 30, 2018). A copy of the statement is attached for your review, which identifies the activities to be undertaken by the City using Community Development Block Grant (CDBG), HOME Program and ESG (Emergency Solutions Grant) Program Funds commencing July 1, 2017.

In accordance with the Citizen Participation Plan, several public hearings are conducted. The first public hearing was held on December 6, 2016 before the Planning Board to receive public comments about housing and community development needs. The minutes of the public hearing are attached to this letter for your information. Two participants expressed the need for CDBG resources to assist low to moderate income persons including youth, senior citizens, veterans and the disabled population with housing and supportive services.

The second of three public hearings regarding the federal funding allocations was held on February 7, 2017. There was one participant speaking on the need for additional funding to assist low to moderate income senior citizens with their housing needs.

The last hearing will be held before the City Council on April 10, 2017. In addition to the hearings, a public notice in the Lansing State Journal will be the final opportunity for public comments on the *draft* Annual Action Plan which will be solicited for a thirty (30) day period from March 14- April 12, 2016.

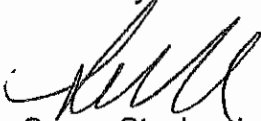
The Annual Action Plan, which is the City's planning document and application for these programs, must be submitted to the Department of Housing and Urban Development by May 14, 2017.

The proposed use of funds is based on goals and objectives established for each of the three (3) programs, and reflects needs identified and commitments made relative to housing, homeless services, economic development, weatherization, public improvements and other community development activities. The allocation for public services is limited to 15% of the estimated Community Development Block Grant. The allocations for administration, planning and urban design and project operations are staff and operating costs related to delivery of not only the CDBG, HOME and Emergency Solutions Grant Programs, but other State and Federal Programs as well. The federal resources for this year include Community Development Block Grant, NSP3 transfer of program income into CDBG, HOME grant (plus program income estimate), and Emergency Solutions Grant in the total amount of \$3,048,094, which will be budgeted as proposed in the attached Summary of Funding Allocation for the next fiscal year

The Planning Board recommends that the Mayor and City Council adopt the Proposed Program Objectives, Goals and Projected Use of Community Development Fund Resources as part of the budget for Fiscal Year 2017-2018 for the City of Lansing. The recommendation was made by unanimous vote at the February 7, 2016 Planning Board meeting with the understanding that pro-rata adjustments will be made to the budget amount proposed for each activity once the actual grant amounts from HUD have been awarded. Attached for your information are copies of the minutes of the public hearings on December 6, 2016 and February 7, 2017.

Please forward this information to the members of the City Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Stachowiak', written over a horizontal line.

Susan Stachowiak, Secretary
Lansing Planning Board



**Regular Meeting
LANSING PLANNING BOARD
December 6, 2016
6:30 p.m., Conference Room
Neighborhood Empowerment Center
600 W. Maple Street**

MINUTES

1. OPENING SESSION

Mr. Hovey called the meeting to order at 6:35 p.m.

- a. Present: Josh Hovey, Beth Graham, Lynne Martinez & Marta Cerna
- b. Absent: John Ruge, Alisande Henry, Tony Cox
- c. Staff: Bill Rieske, Susan Stachowiak & Doris Witherspoon

Ms. Graham made a motion, seconded by Ms. Martinez to grant excused absences for Ms. Henry and Mr. Cox. On a voice vote (4-0), the motion carried.

2. APPROVAL OF AGENDA

Ms. Martinez asked that the Board take up item 2 before item 1 under Old Business.

Mr. Hovey approved the agenda by unanimous consent with the change requested by Ms. Martinez.

3. COMMUNICATIONS - None

4. HEARINGS

- a. **Fiscal Year 2017-2018 Annual Action Plan –Housing & Community Needs Public Hearing**

Ms. Witherspoon said that the purpose of the hearing is to allow citizens an opportunity to provide input and indicate needs, views and proposals for:

- 1. Housing and non-housing community development needs within the City of Lansing relevant to preparation of the City's FY 2017 - 2018 Annual Action to the Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG), HOME Investment Partnership Program formula programs and ESG (Emergency Solutions Grant)
- 2. The use of CDBG, HOME and ESG Program funds for fiscal year commencing July 1, 2017.

Ms. Witherspoon said that this is an opportunity for concerned citizens and neighborhood organizations to participate in the planning process and influence future programming and use of Federal program funds in Lansing. She said that the City of Lansing federal funds have historically been used for such activities as: housing rehabilitation, weatherization, public services, economic development, public improvements, new construction, down payment assistance and programs/services to

assist the homeless. Ms. Witherspoon said that this is the action plan for the second year of the five year plan. She stated that the City does not know how much it will be receiving but it is anticipated that there will be a slight decrease in CDBG funds and a slight increase in Home funds.

Mr. Hovey opened the public hearing.

Julie Powers, Executive Director, Greater Lansing Housing Coalition, stated that the CDBG funds that they receive are used to leverage other funding sources. She said that some of the money is used for the "Tuesday Tool Men" program which is a group of about 25 volunteers that do a lot of very important work in the community. This is the largest tool man group in the country and they have built 30 handicap ramps in the City as well as several other projects to benefit persons of low to moderate income. She said that the Tool Men are able to build a ramp for about \$1,500 whereas, it would cost about \$6,000 if it were being done by a contractor. Building handicap ramps allows seniors to age-in-place which is something that GLHC strongly supports. Ms. Powers said that the funds also go to support the GLHC's Homeowner Education Resource Organization which provides free courses covering a variety of topics to help homeowners repair, maintain and improve their homes. She said that GLHC receives less than \$100,000 of CDBG funds from the City on annual basis but it goes a long way.

Angela Pruitt, 809 Center Street, Board Chairwoman of Closing the Digital Gap (CTDG), said that this is the first time in several years that CTDG is not included in the proposed funding plan. She said that CTDG still needs the funds to continue their program and hopes that removing them from the plan was just an oversight. Ms. Pruitt stated that they provide computer training to seniors, youth, veterans, disabled individuals, etc. and are partnering with the YMCA and others in this endeavor.

Seeing no one else wishing to speak, Mr. Hovey closed the public hearing.

5. COMMENTS FROM THE AUDIENCE – None

Kathy Miles, 1128 Woodbine Avenue, Representing Rejuvenating South Lansing, asked if the Board considered her concerns about form-based codes and read them into the record. She said that what Ms. Stachowiak said at the last meeting about cats being kept indoors is not true. Ms. Miles stated that there are a lot of feral cats in her neighborhood and they do cause problems. She asked why the medical marijuana facility at 3001 S. Washington Avenue is still open while the rezoning is pending as it is not legal under the current zoning.

Elaine Womboldt, 4815 Tressa Drive, Representing Rejuvenating South Lansing, stated that the draft of the medical marijuana ordinance that the Board will be changing and therefore, it should not be considered at this time. She said that Mr. Smiertka did not know how the Planning Board received a copy of the letter that he wrote to the President of the City Council and the Mayor on October 4, 2016 requesting 60 days to revisit the proposed ordinance. Ms. Womboldt asked that the ordinance be sent back to the Public Safety Committee.

Jeff Donahue, 617 E. Hazel Street, stated that his facility conducts testing on medical marijuana and he is concerned about the separation distance requirements in the proposed ordinance and how it will affect his ability to continue operating at 617 Hazel Street. He questioned why pharmacies and liquor stores are not bound by these same separation requirements. Mr. Donahue said that grow, testing, and processing facilities should be concentrated in industrial districts. He said that he has invested a lot of money into his facility and the location seems very appropriate for the use.

6. RECESS – None.

7. BUSINESS

A. Consent Items

- 1. Minutes for approval: November 1, 2016 – Approved as written**
- 2. 2017 Planning Board Meeting Schedule: Approved as written**

B. New Business

1. Act-11-2016– 637 E. Michigan Ave. (Clara’s restaurant), Vacate Easements

Mr. Rieske said that this is a request by 637 E. Michigan Avenue, LLC for the City to vacate utility easements remaining in the vacated N. East Street right-of-way at the site of the former Clara’s restaurant. The street was vacated in 1990 with a reservation of utility easements that are no longer necessary. Mr. Rieske said that neither the railroad nor any of the utilities that responded to his notification of this request expressed any need for reserving this easement. To that end, staff is recommending approval of the request.

Ms. Martinez made a motion, seconded by Ms. Graham to recommend approval of Act-11-2016 to vacate the easements reserved in the 1978 and 1990 resolutions located within the N. East Street ROW and now attached to the former Clara’s property at 637 E. Michigan Avenue. On a voice vote (4-0), the motion carried.

C. Old Business

1. Zoning Ordinance Amendment - Medical Marijuana Facilities

Ms. Stachowiak stated that the proposed ordinance that is included in the Board packet is the same as the one that was reviewed by the Board at its October meeting. She said that the Board members expressed the following concerns at the October meeting relative to the proposed ordinance:

- Requiring separation distances between grow/testing/processing facilities when it would seem appropriate to have such facilities concentrated in industrial area.
- Excessive separation distance requirements between medical marijuana dispensaries and churches, playgrounds, schools, parks, etc., thus significantly limiting the locations where MM facilities could be located.

- Placing requirements on a medical marijuana business with respect to security, financial assurances, hours of operation, licensing, etc., not required of drug stores or businesses that sell alcohol.

She said the Board also felt that it may be premature to enact an ordinance until such time and the State has had a chance to promulgate the rules pertaining to medical marijuana.

Ms. Martinez said that the State Commission that will be charged with promulgating the rules has not even been appointed yet. She also said that it is her understanding that the City has to have an ordinance in place to allow medical marijuana facilities before the State will issue licenses for such facilities within the City.

Mark Dotson, Deputy City Attorney, said that the Commission will likely not be appointed until December of 2017. He said that the only reference in the ordinance to zoning is a requirement that grow facilities must be located in industrial districts. Other than that, there is no reference to zoning in the State regulations. Mr. Dotson said that it is completely up to the City to determine how or if it wants to regulate and license these types of facilities.

Ms. Stachowiak said that the purpose of having the ordinance on the agenda for this meeting is to provide the City Attorney's Office with a complete list of concerns that the Board has with regard to the proposed ordinance. Ms. Stachowiak said that the Mayor's Office authorized the distribution of Mr. Smiertkas' October 4th letter to the Planning Board.

Mr. Hovey asked what the problem is with regard to medical marijuana that the ordinance is trying to solve. He said that it is a legal, medicinal product and it is being very regulated and restricted, especially in comparison to how other controlled substances are regulated.

Ms. Martinez said that it appears that medical marijuana is being regulated far more restrictively than other schedule 1 narcotics. She said that what the Board is hearing is that there are a lot of people that need this medicine and want to be able to have access to it.

Mr. Hovey said that the ordinance appears to be designed to exclude rather than regulate medical marijuana facilities. He said that if the issue is that they look "seedy" than maybe we could require building façade improvements as part of the licensing process.

Ms. Stachowiak said that we do not require façade improvements for any other uses.

Mr. Dotson said that is a policy matter and if the City wanted to make façade improvements a requirement, it does not seem like that would be a problem.

Ms. Stachowiak said that she will see if the 3 members that are not here have any other comments relative to the proposed ordinance before she sends these comments to the City Attorney's Office.

2. Form-Based Code

Ms. Stachowiak stated that she made the following changes to the "General Provisions" chapter of the proposed Code that were discussed at the last meeting:

1. Added a clause stating that any animal, including ferrets, are permitted as long as they are kept in a cage, bowl or terrarium.
2. Included peacocks in the list of prohibited animals as requested by Ms. Henry.
3. Removed the language requiring that satellite dishes be black and made of mesh material.
4. Requiring that curbside trash containers may not be placed near the curb or in the public right-of-way before 5:00 p.m. the day before they are to be collected and must be removed from the curb not later than 10:00 p.m. the day of collection as requested by Mr. Cox.

Ms. Stachowiak said that the ordinance still does not have a limit on the number of cats as there is simply no way to enforce it. She said that she also did not change the ordinance to allow for intermittent parking of buses or other commercial vehicles in residential neighborhoods. Ms. Stachowiak said that this is something that the City would only respond to if it became a problem and if it does, we need to have an ordinance in place to deal with the complaints.

Ms. Stachowiak said that at the last meeting she asked the Board to consider whether it wanted to prohibit chain-link fences in all front yards except for industrially zoned properties.

The Planning Board decided to delay making its decision on the front yard chain-link fence issue until the next meeting.

Ms. Martinez asked that the time frame for curb side containers be changed to 4:00 the day prior to pick-up.

Ms. Stachowiak said that she would make that change.

Ms. Stachowiak stated that the sections regulating parking and non-conformities are still a work in progress and are currently being reviewed by the consultants. She said that the primary changes to the parking section involve allowing porous pavement, subject to approval by the City engineers, and reducing the amount of parking that is required for most uses.

Ms. Stachowiak said that these sections of the ordinance will be on the next Planning Board agenda for more discussion.

-
8. **REPORT FROM PLANNING MANAGER** – None
 9. **COMMENTS FROM THE CHAIRPERSON** – None
 10. **COMMENTS FROM BOARD MEMBERS**
 11. **ADJOURNMENT** – Ms. Martinez adjourned the meeting at 7:50 p.m.



**Regular Meeting
LANSING PLANNING BOARD
February 7, 2017
6:30 p.m., Conference Room
Neighborhood Empowerment Center
600 W. Maple Street**

MINUTES

1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:42 p.m.

- a. Present: John Ruge, Josh Hovey, Lynne Martinez, Alisande Henry and Councilmember Judi Brown-Clarke
- b. Absent: Tony Cox, Beth Graham & Marta Cerna
- c. Staff: Susan Stachowiak, Doris Witherspoon & Don Kulhanek

Ms. Martinez made a motion, seconded by Ms. Henry to grant excused absences for Ms. Graham and Mr. Cox. On a voice vote (4-0), the motion carried.

2. APPROVAL OF AGENDA - Mr. Ruge approved the agenda by unanimous consent with the removal of the public hearing on the Form-Based Code.

3. COMMUNICATIONS - None

4. HEARINGS

a. CDBG Resources - FY 2017 (7/1/17-6/30/18) Proposed Funding Allocations

Ms. Witherspoon said that the intent of this public hearing is to provide citizens the opportunity to examine and comment on proposed objectives, goals and projected use of community development fund resources, including the Community Development Block Grant, HOME and Emergency Solutions grant programs, to be included in the City's Annual Action Plan submission for Fiscal Year 2017 (7/1/2017 – 6/30/2018). Ms. Witherspoon said that entitlement grant awards for FY 2017 have not been announced by HUD as of the date of this publication. Amounts proposed herein for FY 2017 CDBG, HOME and ESG activities are based on prior entitlement awards (approximately 2.6 million dollars). If the grant amounts HUD actually awards to the City of Lansing for CDBG, HOME and ESG are different from the amounts shown above, pro-rata adjustments will be made to the budget amounts proposed for each activity.

Ms. Witherspoon said that the primary objective of Lansing's Housing and Community Development Program is the development of a viable community which will provide standard housing in a suitable living environment, principally to benefit low and moderate income persons, preserve and expand existing businesses and industries, and create an atmosphere conducive to stability in neighborhoods. She asked that anyone wishing to speak, state their name and address for the record and the organization, if any, that they are representing.

Tammy Lemmer, Tri-County Office on Aging, 5303 S. Cedar Street, stated that she supports the goals and objectives as written. She expressed concerns about the small amount of funds being designated for homeless assistance and prevention. Ms. Lemmer said that there are a lot of people having to reside in nursing homes because they have nowhere else to go. She said that they are not considered homeless unless designated as such within 90 days prior to entering the nursing home. Ms. Lemmer said that there needs to be additional funding to provide housing for low-moderate income individuals.

Seeing no one else wishing to speak, Mr. Ruge closed the public hearing.

b. Z-1-2017, 4215 N. Grand River Avenue, Rezoning from "D-1" Professional Office to "F" Commercial District

Ms. Stachowiak said that this is a request by First Class, Inc. to rezone the property at 4215 N. Grand River Avenue from "D-1" Professional Office District to "F" Commercial District. The purpose of the rezoning is to permit commercial use of the subject property. She said that staff is recommending approval of the request. Ms. Stachowiak said that the adjacent property to the east is already zoned "F" Commercial and therefore, the proposed rezoning will not result in a "spot zone". She stated that from a planning perspective, commercial uses should primarily be concentrated along principal arterials as they are designed to carry the highest volumes of traffic. Office uses, by contrast, which typically do not generate nearly as much traffic as commercial uses, should primarily be concentrated along minor arterials. The proposed rezoning from "D-1" Professional Office to "F" Commercial is therefore, consistent with proper land use planning principles. In addition, Ms. Stachowiak said that the "F" Commercial district is the most appropriate zoning designation to facilitate the "Suburban Commercial" land use development strategy being advanced in Design Lansing Master Plan.

Mr. Ruge opened the public hearing. Seeing no one wishing to speak, Mr. Ruge closed the public hearing.

Mr. Ruge asked if the rezoning would trigger any landscape requirements. He said that there are residential land uses to the west and south of the subject property. He also asked about storm-water requirements if additional impervious surface is added to the site.

Ms. Stachowiak said that the rezoning, by itself, will not trigger any additional landscaping. She said that if the applicant does anything to the property that requires administrative site plan review, the site must be completely brought into compliance with all landscape, screening, buffering and storm water requirements. Ms. Stachowiak started that since there is no room for landscaping along the west property line, a screen fence would be required.

5. COMMENTS FROM THE AUDIENCE

Yvonne LeFave, 537 Beech Street, stated that she owns Go Green Trikes and she is beginning to outgrow her existing space. She said that there is a small parcel of land on East Street that is available and would be ideal for her operations, except that it is zoned residential. Ms. LeFave said that she would like to get this property rezoned so that she could build a garage on it for her business.

Ms. Martinez said that Ms. LeFave is a friend of hers but she does have some concerns about putting a business in the middle of a residential block.

Mr. Ruge asked Ms. Stachowiak to check this out, speak with Ms. LeFave, and report back to the Board.

Brand Johnson, 2875 N Glenn, stated that the State of Michigan allows for 5 different medical marijuana enterprises (dispensaries, cultivation, processing, testing and transport). He asked that the distance requirements that are intended to prevent concentrations of dispensaries not be imposed on the other 4 enterprises.

6. RECESS – None.

7. BUSINESS

A. Consent Items

1. **Minutes for approval: January 3, 2017** – Approved with the following correction to item 11 on page 6:

Change “Ms. Martinez” to “Mr. Ruge”

2. **Z-1-2017, 4215 N. Grand River Avenue, Rezoning from “D-1” Professional Office to “F” Commercial District** - Approved as requested
3. **CDBG Resources - FY 2017 (7/1/17-6/30/18) Proposed Funding Allocations** – Approved as recommended with the understanding that pro-rata adjustments will be made to the budget amount proposed for each activity once the actual grant amounts from HUD have been awarded.

B. Old Business

1. **Medical Marijuana Ordinance**

City Attorney, Jim Smiertka, stated that the City Council's Committee on Public Safety has been working on an ordinance to regulate medical marijuana facilities for a few years now. They have listened to many hours of public comment, held many meetings and came up with the current draft 6.a. Once approved, this ordinance would replace Chapter 20 in the Zoning Ordinance that currently regulates medical marijuana facilities in the City. Mr. Smiertka said that at the beginning of October, he issued a letter requesting an additional 60 days to ensure that the ordinance would be consistent with the State law. In the meantime, Ms. Stachowiak provided him with a list of the Planning Board's concerns about the ordinance and the 3 pages contained in the Board's packet are intended to address those concerns. Mr. Smiertka said that they have looked at how other cities are handling medical marijuana and have come up with a new draft. The Planning Board is being provided with that section of the new draft that deals with the zoning aspects as that is the aspect of the ordinance that the Planning Board is charged with reviewing. The Planning Board's recommendation will be forwarded to the Public Safety Committee and

eventually, the Council will hold a public hearing before taking action on the final draft

Mr. Smiertka said that the State Act itself allow dispensing medical marijuana via caregiver operations. These are allowed in the City as a home occupation. He said that there are 5 types of medical marijuana establishments. These include dispensaries, cultivation, testing, processing and transport. Mr. Smiertka said that the State law has been in effect since December 20, 2016 but no licenses will be issued by the State until December of this year. This will give the Committee that has been appointed at the State level a chance to promulgate the rules governing the licensing of these facilities. Mr. Smiertka said that a license cannot be issued by the City without the State issuing a license. He stated excise taxes will come back to the City as well as other taxing entities from these facilities.

Mr. Smiertka said that several changes have been based on the Planning Boards' concerns about the exclusionary aspect of the ordinance. The new draft does not include an distance or separation requirements for any medical marijuana establishment, except dispensaries. The State law requires that grow facilities are limited to properties that are zoned industrial or agricultural. These types of facilities will be permitted in the City in the "H" & "I" Industrial and "G-2" Wholesale districts. Mr. Smiertka said that in addition, the distance requirements for dispensaries have been reduced from 1,000 to 500 feet for church, child care centers, schools, etc. and to 300 feet from City parks. These distance requirements will be measured in the same manner as liquor licenses rather than "as the crow flies" which reduces the separation areas.

Sam Quon, City of Lansing Information Technology Department, said that dispensaries are permitted in all commercial districts, except the "G-1" district. Mr. Quon presented 3 maps. The first map depicts the restricted areas under the original draft 6.a. The draft allowed for 619 parcels completely outside of the restricted areas and 346 parcels that were partially outside of the restricted areas. The second map shows the restricted areas under the new draft. This allows for 1,288 parcels completely outside and 645 parcels partially outside the restricted areas. The changes, thus, have significantly increased the number of parcels that would allow a dispensary. The third map shows the differences between the 2 maps.

Ms. Martinez asked Ms. Stachowiak to email the Board members the new maps that Mr. Quon just presented.

Ms. Henry asked if the different enterprises cannot co-locate on the same parcel of land.,

Mark Dotson, Deputy City Attorney, stated that they may be able to operate in the same facility as long as both enterprises comply with all aspects of the ordinance.

Ms. Brown-Clarke asked if a medical marijuana facility will become nonconforming if a church moves in after it is already established.

Mr. Smiertka said that if the facility is there first, the church has no effect on it.

Ms. Henry asked if there is a list of existing facilities.

Mr. Quon replied no.

Mr. Hovey thanked the City Attorney' Office for listening to the Planning Board's concerns and making the changes to address those concerns. He asked if the 3 pages that the Board is reviewing will just be a part of draft 6.a.

Mr. Smiertka said that there will be an entirely new draft that contains the 3 pages the Board is currently reviewing. He said that this is the only part of the ordinance that the Planning Board is being asked to review and make a recommendation on. Mr. Smiertka said that the remaining changes will involve enhancing the definitions and making sure that the ordinance is consistent with the State law.

Mr. Ruge asked about the purpose of buffering medical marijuana facilities from churches, school, parks, etc. when we have no such requirements for pharmacies and liquor establishments.

Mr. Smiertka said that it is a matter of public policy. He said that it is similar to the State of Michigan determining that it is good public policy to require that liquor establishments are located at least 500 feet from churches. Mr. Smiertka said that the Public Safety Committee has determined that it is good public policy to require a separate between medical marijuana facilities and certain uses, including churches. He said that there are drug free zones and other state and federal laws dealing with marijuana. Mr. Smierka stated that the City will make it clear to all licensees that by issuing a license, the City is only saying that the facilities complies with City ordinances. The license will include a statement that, by signing the license/application, the licensee acknowledges that the facility/activity may not comply with all federal and state laws and by issuing the license, the City is not sanctioning or protecting them from prosecution for a violation of state or federal law. It is the risk that the licensee will have to accept.

Ms. Martinez said that the ordinance addresses licensing but the licensing will be through the State.

Mr. Smiertka said that the State will license the operator, whereas, the City will license the premises.

Ms. Martinez said that the ordinance deals with security, sanitation, financial requirements, including cash in the bank, etc. She said that she would like to see the entire ordinance.

Ms. Stachowiak said that the only part of the ordinance that is within the Planning Board's purview is the zoning and that is why only that portion of the ordinance has been provided to the Board. She said that the Planning Board is being asked to act on this ordinance at this meeting so that the City can move forward with finalizing the ordinance.

Ms. Henry said that she is concerned about the "first come, first serve" method of issuing licenses with respect to the separation requirements from one facility to another

Mr. Dotson said that the separation requirement between facilities only applies to dispensaries.

Mr. Hovey said that if the product is medicinal, then why is it being regulated as though it were recreational. He said that what is being presented is much better than the previous draft of the ordinance.

Ms. Martinez said that if the entire ordinance is not going to be provided to the Board, she will abstain from voting.

Mr. Ruge said that a Board member can only abstain if there is a conflict of interest. He also said that the remainder of the ordinance deals with regulation on the operations of medical marijuana facilities rather than the land use aspect which is what the Planning Board is charged with reviewing.

Mr. Hovey made a motion, seconded by Ms. Henry to delete "...another medical marijuana provisioning center;..." from the first paragraph on page 26 and to delete the entire second paragraph on page 26. On a voice vote (4-0), the motion carried unanimously.

Mr. Ruge said that the City does not require a separation between pharmacies or liquor license establishments. He questioned why medical marijuana facilities have to be separated from each other.

Ms. Henry agreed with Mr. Ruge. She said that medical marijuana has been legalized in Michigan and the facilities that dispense it need to be considered legitimate, allowable uses. Ms. Henry said that there should be no shame in operating or patronizing these facilities. She stated that they should not be looked upon as a seedy type of business and we should not just assume that they are going to be a problem when there is no evidence that they are a problem.

Mr. Dotson suggested that some of the Planning Board members come to the Council committee meetings at which the ordinance is being discussed to express their concerns.

Ms. Martinez asked Ms. Stachowiak to forward the committee agendas.

Mr. Hovey said that there are hundreds of medical marijuana dispensaries in Denver Colorado and they are not even noticeable as being different from any other business.

Ms. Martinez asked that the Council consider a sign ordinance amendment to address signs associated with medical marijuana facilities. She said that some of the signs in the City give a negative impression of these businesses.

Ms. Brown-Clarke said that the signs referred to on page 25 relate only to processing and transporting facilities.

Mr. Hovey made a motion, seconded by Ms. Henry to recommend approval of pages 25, 26 and 27 of the proposed medical marijuana ordinance dated January 31, 2017 with the deletion of "...another medical marijuana provisioning center;..." from the first paragraph on page 26 and the deletion of the entire second paragraph on page 26. On a voice vote (4-0), the motion carried unanimously.

C. New Business

1. Design Lansing Plan – 5-year Review

Ms. Stachowiak said that the Design Lansing Comprehensive Plan, adopted in April, 2012, will soon reach the 5-year mark. She said that Section 45(2) of the Michigan Planning Enabling Act (P.A. 33 of 2008) states that: "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

Ms. Stachowiak said that The Design Lansing Comprehensive Plan has functioned well, and implementation is now in process. She said that Mr. Rieske is recommending that the City begin the Comprehensive Plan update after the completion and enactment of the Form-Based Code and "Shaping the Avenue" provisions and a suitable "breaking in" period (e.g. six months). The update should address the City of Lansing's P.A. 425 areas in Alameda, Delta, DeWitt, and Meridian Townships, any recommendations to fine-tune the Form-Based Code, and other issues as identified during the course of the update.

Ms. Stachowiak said that it could take till the end of the year to finalize the Form-Based Code because we are going to have to go over it in detail with the City Council. She said that then we will need a chance to work with it for a while so that we know what is working and what needs to be adjusted. Ms. Stachowiak suggested extending the Plan for 2 years.

Ms. Martinez made a motion, seconded by Ms. Henry to extend the Design Lansing Comprehensive Plan and to begin the process of updating the Plan in January of 2019. On a voice vote (4-0), the motion carried unanimously.

8. REPORT FROM PLANNING MANAGER – None

9. COMMENTS FROM THE CHAIRPERSON

Mr. Ruge said that he attended a forum on placemaking summit in October and one thing that was very evident is that a community has to do it with something that it already has. He said that there was an article in the City Pulse about mid-century modern buildings, which the City has many of, and there is a large exhibit right now at the Michigan History Museum.

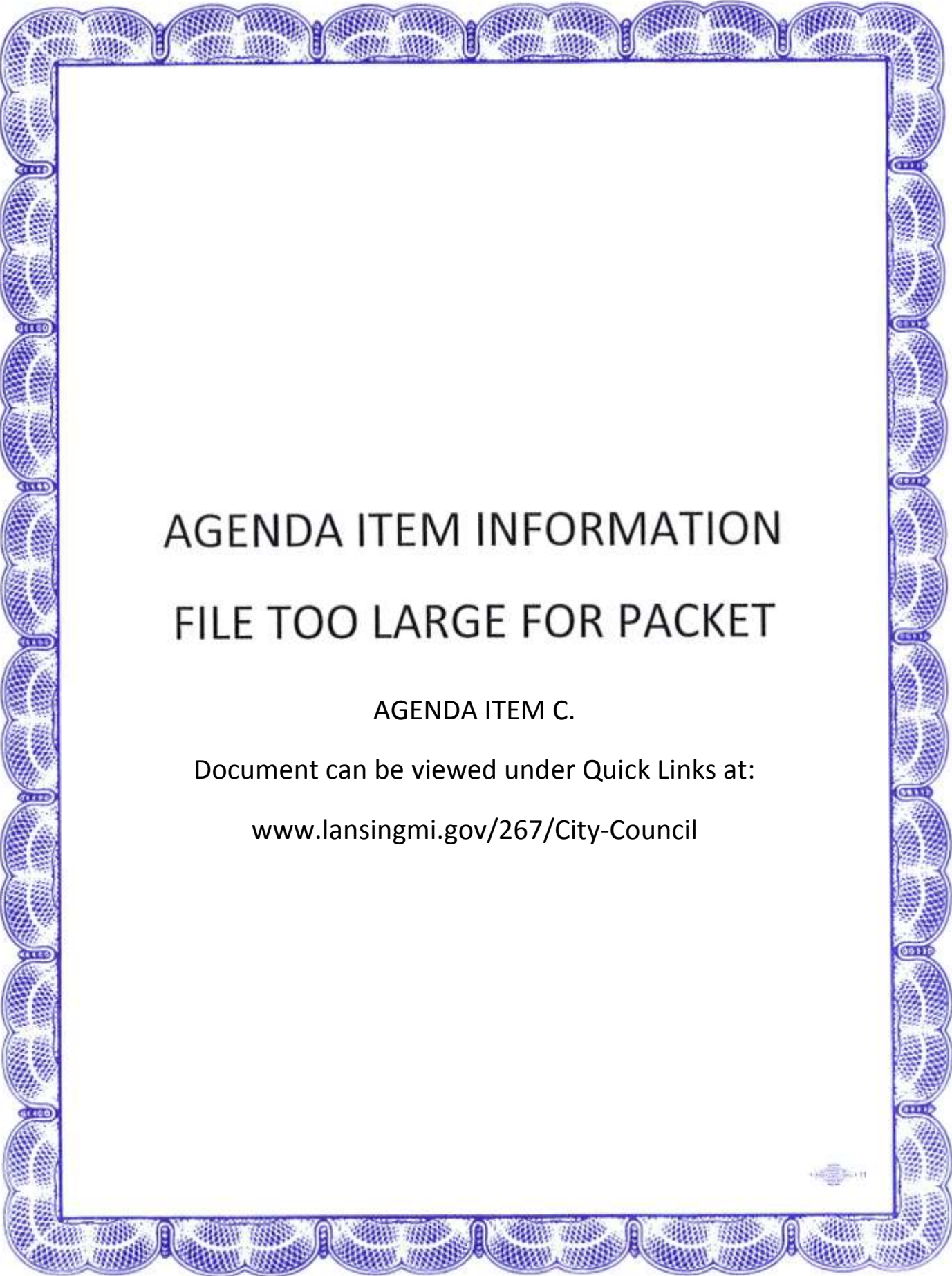
10. COMMENTS FROM BOARD MEMBERS

Mr. Hovey thanked Ms. Brown-Clarke for attending the Planning Board meetings. He said that in the entire time that he has been on the Board, she is the first Councilmember that has come to the meetings.

Ms. Brown-Clarke said that the Planning & Neighborhood Development Committee, which she is now the chair of, really takes into account the Planning Board recommendations. -8

Mr. Hovey asked Ms. Stachowiak to look into a possible violation at the Verlinden & N. Genesee intersection.

11. ADJOURNMENT – Mr. Ruge adjourned the meeting at 8:33 p.m.



AGENDA ITEM INFORMATION

FILE TOO LARGE FOR PACKET

AGENDA ITEM C.

Document can be viewed under Quick Links at:

www.lansingmi.gov/267/City-Council

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

CITY OF LANSING, MICHIGAN
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO REPLACE CHAPTER 1300 OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA ESTABLISHMENTS; TO ESTABLISH LAND USE AND ZONING REQUIREMENTS ATTENDANT THERETO; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF LANSING; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF LANSING ORDAINS:

SECTION ONE: Chapter 1300 of the Lansing Code of Ordinances is hereby replaced in its entirety to read as follows:

- 1300.1 Legislative Intent.
- 1300.2 Definitions, Interpretation and Conflicts.
- 1300.3 Establishment of the Medical Marihuana Commission; Membership; Chairperson; Meetings
- 1300.4 Operation without License Prohibited.
- 1300.5 License Application Submission.
- 1300.6 License Application Evaluation.
- 1300.7 License Renewal Application.
- 1300.8 Licenses Generally.
- 1300.9 Minimum Operational Standards of A Medical Marihuana Provisioning Center.
- 1300.10 Minimum Operational Standards of A Medical Marihuana Grower Facility.
- 1300.11 Minimum Operational Standards of A Medical Marihuana Safety Compliance Facility.
- 1300.12 Minimum Operational Standards of A Medical Marihuana Processor Facility, a Medical Marihuana Safety Compliance Facility, and Medical Marihuana Secure Transporter.
- 1300.13 Location of Medical Marihuana Provisioning Centers. .
- 1300.14 Location of Medical Marihuana Safety Compliance Facilities, Medical Marihuana Processor Facilities, Medical Marihuana Grower Facilities, and Medical Marihuana Secure Transporters.
- 1300.15 Revocation; Bases for Revocation; Appeal of License Denial.
- 1300.16 Penalties.
- 1300.17 No Vested Rights.
- 1300.18 Zoning Board of Appeals.
- 1300.19 Sunset.

1300.1 –LEGISLATIVE INTENT.

1
2 THE PURPOSE OF THIS CHAPTER IS TO EXERCISE THE POLICE, REGULATORY,
3 AND LAND USE POWERS OF THE CITY OF LANSING BY LICENSING AND
4 REGULATING MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL
5 MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA SAFETY COMPLIANCE
6 FACILITIES, MEDICAL MARIHUANA SECURE TRANSPORTERS, AND MEDICAL
7 MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER
8 STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT
9 THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY
10 OF LANSING; AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

11
12 THE CITY FINDS THAT THE ACTIVITIES DESCRIBED IN THIS CHAPTER ARE
13 SIGNIFICANTLY CONNECTED TO THE PUBLIC HEALTH, SAFETY, SECURITY AND
14 WELFARE OF ITS CITIZENS AND IT IS THEREFORE NECESSARY TO REGULATE
15 AND ENFORCE SAFETY, SECURITY, FIRE, POLICE, HEALTH AND SANITATION
16 PRACTICES RELATED TO SUCH ACTIVITIES AND ALSO TO PROVIDE A METHOD TO
17 DEFRAY ADMINISTRATIVE COSTS INCURRED BY SUCH REGULATION AND
18 ENFORCEMENT.

19
20 EXCEPT AS MAY BE REQUIRED OR PERMITTED BY LAW OR REGULATION, IT IS
21 NOT THE INTENT OF THIS CHAPTER TO DIMINISH, ABROGATE, OR RESTRICT THE
22 PROTECTIONS FOR MEDICAL USE OF MARIHUANA FOUND IN THE MICHIGAN
23 MEDICAL MARIHUANA ACT, THE MEDICAL MARIHUANA FACILITIES
24 LICENSING ACT OR SECTION 8-501 OF THE LANSING CITY CHARTER.

25
26 **1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.**

27
28 FOR THE PURPOSES OF THIS CHAPTER:

29
30 (A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
31 333.26421 ET SEQ., AS AMENDED (“MMMA”), THE MEDICAL MARIHUANA
32 FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ. (MMFLA) SHALL HAVE
33 THE DEFINITION GIVEN IN THOSE ACTS, AS AMENDED, AND THE
34 MARIHUANA TRACKING ACT (“MTA”), MCL333.27901, ET SEQ. IF THE
35 DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS CHAPTER CONFLICTS
36 WITH THE DEFINITION IN THE MMMA, MMFLA OR MTA, OR IF A TERM IS
37 NOT DEFINED BUT IS DEFINED IN THE MMMA, MMFLA OR MTA, THEN THE
38 DEFINITION IN THE MMMA, MMFLA, OR MTA SHALL APPLY.

39
40 (B) ANY TERM DEFINED BY 21 USC 860(E) REFERENCED IN THIS CHAPTER
41 SHALL HAVE THE DEFINITION GIVEN BY 21 USC 860(E).

42
43 (C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S
44 RIGHTS UNDER THE MMMA, MMFLA OR MTA AND THESE SUPERSEDE THIS
45 ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM AND THE

1 IMMUNITIES AND PROTECTION ESTABLISHED IN THE MMMA UNLESS
2 SUPERSEDED OR PREEMPTED BY THE MMFLA.

3
4 (D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE
5 RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL
6 MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA SECURE
7 TRANSPORTER, A MEDICAL MARIHUANA PROCESSOR OR A MEDICAL
8 MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE
9 WITH THE RULES OF THE MEDICAL MARIHUANA LICENSING BOARD, THE
10 RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY
11 AFFAIRS, OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF
12 THE CITY OF LANSING, THE MMMA, MMFLA AND THE MTA.

13
14 (E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR
15 PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE
16 DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL
17 MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER
18 BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS
19 CHAPTER SHALL BE DEEMED TO BE AN ILLEGALLY ESTABLISHED USE
20 AND THEREFORE NOT ENTITLED TO LEGAL NONCONFORMING STATUS
21 UNDER THE PROVISIONS OF THIS CHAPTER, AND/OR STATE LAW. THE CITY
22 FINDS AND DETERMINES THAT IT HAS NOT HERETOFORE AUTHORIZED OR
23 LICENSED THE EXISTENCE OF ANY MEDICAL MARIHUANA
24 ESTABLISHMENT, AS DEFINED HEREIN, IN THE CITY.

25
26 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

27
28 “APPLICATION” MEANS AN APPLICATION FOR A LICENSE PURSUANT TO THE
29 TERMS AND CONDITIONS SET FORTH IN SECTIONS 1300.5 AND 1300.6.

30
31 “APPLICATION FOR A LICENSE RENEWAL” MEANS AN APPLICATION FOR A
32 LICENSE RENEWAL PURSUANT TO THE TERMS AND CONDITIONS OF SECTION
33 1300.7.

34
35 “BUFFERED USE” MEANS A USE SUBJECT TO THE BUFFERING AND
36 DISPERSION REQUIREMENTS OF SECTIONS 1300.13 (A) AND 1300.13 (D).

37
38 “BUILDING” MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A
39 ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR
40 SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A
41 STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY
42 DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH
43 PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE,
44 REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE
45 COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS.
46 THIS DEFINITION REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT

1 INCLUDE TENTS, SHEDS, GREENHOUSES AND PRIVATE GARAGES ON
2 RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A
3 BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT
4 NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS,
5 SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS
6 OR SIMILAR STRUCTURES.

7
8 “CHAPTER” MEANS THIS CHAPTER 1300.

9
10 “CHURCH” MEANS AN ENTIRE BUILDING SET APART PRIMARILY FOR
11 PURPOSES OF PUBLIC WORSHIP, AND WHICH IS TAX EXEMPT UNDER THE LAWS
12 OF THIS STATE, AND IN WHICH RELIGIOUS SERVICES ARE HELD, AND THE
13 ENTIRE BUILDING STRUCTURE OF WHICH IS KEPT FOR THAT USE AND NOT PUT
14 TO ANY OTHER USE INCONSISTENT WITH THAT USE.

15
16 “CITY” MEANS THE CITY OF LANSING, MICHIGAN.

17
18 “COUNCIL, OR CITY COUNCIL,” MEANS THE CITY COUNCIL OF LANSING,
19 MICHIGAN.

20
21 “CULTIVATION” OR “CULTIVATE” AS USED IN THIS CHAPTER MEANS: (1) ALL
22 PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST, DRIES, TRIMS OR
23 CURES; (2) PREPARING, PACKAGING OR REPACKAGING, LABELING, OR
24 RELABELING OR ANY FORM OF MARIHUANA.

25
26 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL
27 INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE
28 MMMA, MMFLA OR MTA.

29
30 “EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER
31 IN RETURN FOR THE PAYMENT OF DIRECT OR INDIRECT MONETARY WAGES OR
32 PROFIT, UNDER CONTRACT, AND ANY INDIVIDUAL WHO VOLUNTEERS HIS OR
33 HER SERVICES TO AN EMPLOYER FOR NO MONETARY COMPENSATION, OR ANY
34 INDIVIDUAL WHO PERFORMS WORK OR RENDERS SERVICES, FOR ANY PERIOD
35 OF TIME, AT THE DIRECTION OF AN OWNER, LESSEE, OF OTHER PERSON IN
36 CHARGE OF A PLACE.

37
38 “LICENSE” OR “MEDICAL MARIHUANA BUSINESS LICENSE” MEANS A LICENSE
39 ISSUED FOR THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT
40 PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER AND INCLUDES A
41 LICENSE WHICH HAS BEEN RENEWED PURSUANT TO SECTION 1300.7.

42
43 “LICENSE APPLICATION” MEANS AN APPLICATION SUBMITTED FOR A
44 LICENSE PURSUANT TO THE REQUIREMENTS AND PROCEDURES SET FORTH IN
45 SECTIONS 1300.5 AND 1300.6.

1 “LICENSEE” MEANS A PERSON ISSUED A LICENSE FOR AN ESTABLISHMENT
2 PURSUANT TO THIS CHAPTER.

3
4 “MARIHUANA” MEANS ALL PARTS OF THE PLANT CANNABIS SATIVA L.,
5 GROWING OR NOT; THE SEEDS OF THE PLANT; THE RESIN EXTRACTED FROM
6 ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT,
7 DERIVATIVE, MIXTURE, OR PREPARATIONS OF THE PLANT OR ITS SEEDS OR
8 RESIN.

9 MARIHUANA DOES NOT INCLUDE:

- 10 1. THE MATURE STALKS OF THE PLANT;
- 11 2. FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM
12 THE SEEDS OF THE PLANT;
- 13 3. ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
14 MIXTURE, OR PREPARATION OF THE MATURE STALKS,
15 (EXCEPT THE RESIN EXTRACTED FROM THOSE STALKS, FIBER,
16 OIL OR CAKE; OR
- 17 4. ANY STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF
18 GERMINATION; OR
- 19 5. INDUSTRIAL HEMP GROWN OR CULTIVATED OR BOTH FOR
20 RESEARCH, PURPOSES UNDER THE INDUSTRIAL HEMP RESEARCH
21 ACT.

22
23 “MARIHUANA-INFUSED PRODUCT” MEANS A TOPICAL FORMULATION,
24 TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING
25 ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A
26 MANNER OTHER THAN SMOKE INHALATION. MARIHUANA-INFUSED PRODUCT
27 SHALL NOT BE CONSIDERED A FOOD FOR PURPOSE OF THE FOOD LAW, 2000 PA
28 92, MCL 289.1101 TO 289.8111.

29
30 “MARIHUANA TRACKING ACT” OR “MTA” MEANS PUBLIC ACT 282 OF 2016
31 .M.C.L. 333.27901, ET. SEQ.

32
33 “MEDICAL MARIHUANA” MEANS ANY MARIHUANA INTENDED FOR MEDICAL
34 USE THAT MEETS ALL DESCRIPTIONS AND REQUIREMENTS FOR MEDICAL
35 MARIHUANA CONTAINED IN THE MMMA, MMFLA AND THE MTA AND ANY
36 OTHER APPLICABLE LAW.

37
38 “MEDICAL MARIHUANA COMMISSION” OR “COMMISSION” MEANS THE
39 MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3
40 OF THIS CHAPTER.

41
42 “MEDICAL MARIHUANA FACILITIES LICENSING ACT” OR “MMFLA” MEANS
43 PUBLIC ACT 281 OF 2016, MCL 333.27101, ET. SEQ.

44
45 “MEDICAL MARIHUANA ESTABLISHMENT(S), OR, “ESTABLISHMENT,” MEANS
46 ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE
47 LICENSED UNDER THIS CHAPTER AND POSSESSES A LICENSE TO OPERATE

1 UNDER THE MMFLA, INCLUDING: A MEDICAL MARIHUANA PROVISIONING
2 CENTER, A MEDICAL MARIHUANA GROWER FACILITY; A MEDICAL MARIHUANA
3 PROCESSOR FACILITY; A MEDICAL MARIHUANA SECURE TRANSPORTER; AND A
4 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

5
6 “MEDICAL MARIHUANA GROWER FACILITY,” MEANS A COMMERCIAL OR
7 BUSINESS ENTITY LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE
8 STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO
9 TERMS AND CONDITIONS OF THIS CHAPTER THAT CULTIVATES, DRIES, TRIMS OR
10 CURES AND PACKAGES MARIHUANA IN ACCORDANCE WITH STATE LAW.

11
12 “MEDICAL MARIHUANA LICENSING BOARD” MEANS THE STATE BOARD
13 ESTABLISHED PURSUANT TO THE MMFLA.

14
15 “MEDICAL MARIHUANA PROVISIONING CENTER,” MEANS A COMMERCIAL OR
16 BUSINESS ENTITY LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE
17 STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO
18 THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT SELLS, SUPPLIES, OR
19 PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS ONLY AS
20 PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING CENTER, AS
21 DEFINED IN THE MMMA, MMFLA AND MTA, INCLUDES ANY COMMERCIAL
22 PROPERTY OR BUSINESS WHERE MARIHUANA IS SOLD IN CONFORMANCE WITH
23 STATE LAW AND REGULATION. A NONCOMMERCIAL OR NONBUSINESS
24 LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT,
25 AS DEFINED IN THE MMMA, MMFLA OR MTA CONNECTED TO THE CAREGIVER
26 THROUGH THE STATE’S MARIHUANA REGISTRATION PROCESS IN ACCORDANCE
27 WITH THE MMMA, MMFLA OR MTA IS NOT A MEDICAL MARIHUANA
28 PROVISIONING CENTER FOR PURPOSES OF THIS CHAPTER.

29
30 “MMFLA” MEANS THE MDEICAL MARIHUANA FACILITIES LICENSING ACT,
31 MCL 333.2701, ET.SEQ. AS AMENDED FROM TIME TO TIME.

32
33 “MMMA” MEANS THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421
34 ET.SEQ AS AMENDED FROM TIME TO TIME.

35
36 “MTA” MEANS THE MARIHUANA TRACKING ACT, MCL 333.27901, ET. SEQ. AS
37 AMENDED FROM TIME TO TIME.

38
39 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

40
41 “PARK” MEANS AN AREA OF LAND DESIGNATED BY THE CITY AS A PARK ON
42 ITS MASTER PLAN OR ON A COUNCIL-APPROVED LIST OF CITY PARKS.

START HERE ON JULY 10TH, 2017

“PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

“PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY” MEANS A COMMERCIAL ENTITY LOCATED IN THIS CITY THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO **THE TERMS AND CONDITIONS OF** THIS CHAPTER, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW.”

“PUBLIC PLAYGROUND EQUIPMENT” MEANS AN OUTDOOR FACILITY, GROUPING, OR CONCENTRATION OPEN TO THE PUBLIC AND ON PUBLIC PROPERTY AND CONTAINING THREE OR MORE APPARATUS, INCLUDING, BUT NOT LIMITED TO, SLIDES, CLIMBERS, SEESAWS, AND SWINGS, DESIGNED FOR THE RECREATIONAL USE OF CHILDREN AND OWNED AND OPERATED BY A LOCAL UNIT OF GOVERNMENT, SCHOOL DISTRICT, OR OTHER UNIT OR AGENCY OF GOVERNMENT.

“RESTRICTED/LIMITED ACCESS AREA” MEANS A BUILDING, ROOM OR OTHER AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE MMMA, THE MMFLA, **THE MTA** OR OTHER APPLICABLE STATE LAW.

“SAFETY COMPLIANCE FACILITY” OR “MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY” MEANS A COMMERCIAL **OR BUSINESS** ENTITY **LOCATED IN THE CITY** THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO **THE TERMS AND CONDITIONS OF** THIS CHAPTER, THAT RECEIVES MARIHUANA FROM A MEDICAL MARIHUANA ESTABLISHMENT OR A REGISTERED QUALIFYING PATIENT OR A REGISTERED PRIMARY CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANCE WITH STATE LAW.

“SCHOOL” MEANS AND INCLUDES BUILDINGS USED FOR SCHOOL PURPOSES TO PROVIDE INSTRUCTION TO CHILDREN AND YOUTH IN GRADES PRE-KINDERGARTEN THROUGH 12, AND HEADSTART WHEN THAT INSTRUCTION IS PROVIDED BY A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL. **REF. BUFFERING 1300.13 (A)**

“SECURE TRANSPORTER” OR “MEDICAL MARIHUANA SECURE TRANSPORTER” MEANS A COMMERCIAL **OR BUSINESS** ENTITY THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED TO OPERATE BY THE CITY PURSUANT TO **THE TERMS AND CONDITIONS OF** THIS CHAPTER, ~~THAT IS A COMMERCIAL ENTITY LOCATED IN THIS CITY~~ THAT STORES MARIHUANA AND

TRANSPORTS MARIHUANA BETWEEN MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE LAW.

“STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES, WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH GENERAL AND LIMITED.

“STATE” MEANS THE STATE OF MICHIGAN.

(G) ANY TERM DEFINED BY THE MMMA, THE MMFLA, OR THE MTA AND NOT DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITION **GIVEN IN THE MMMA, MMFLA, OR MTA, AS APPLICABLE.** ~~PROVIDED IN THOSE ACTS.~~

1300.3 ESTABLISHMENT OF THE MEDICAL MARIHUANA COMMISSION; MEMBERSHIP; CHAIRPERSON; MEETINGS

(A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL SERVE FOR TERMS OF OFFICE OF THREE (3) YEARS. EXCEPT FOR THE INITIAL APPOINTMENTS TO THE COMMISSION, TWO MEMBERS SHALL SERVE FOR A TERM OF ONE (1) YEAR, TWO MEMBERS SHALL SERVE FOR A TERM OF TWO (2) YEARS, AND THREE MEMBERS SHALL SERVE FOR A TERM OF THREE YEARS.

(B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:

(1) FOUR (4) MEMBERS, ONE FROM EACH WARD OF THE CITY, UPON BEING RECOMMENDED TO THE MAYOR BY THE COUNCIL PERSON IN THAT WARD;

(2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;

(3) TWO (2) MEMBERS POSSESSING BUSINESS EXPERIENCE.

(C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS PROCEEDINGS, SHOWING THE ACTION OF THE

COMMISSION AND THE VOTE OF EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF FOUR (4) MEMBERS SHALL CONSTITUTE A QUORUM FOR VOTING PURPOSES.

(D) NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.

(E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE FORWARDED TO IT BY THE CITY CLERK UNDER THIS CHAPTER. A LICENSE SHALL NOT BE ISSUED UNTIL THE COMMISSION HAS ACTED ON THE APPLICATION BY ISSUING A CERTIFICATE OF APPROVAL BY A MAJORITY VOTE OF THE COMMISSION MEMBERS VOTING AT A MEETING.

(F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE CITY COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS RELATED TO THIS CHAPTER FOR COUNCIL APPROVAL.

(G) THE CHIEF OF POLICE (OR A DESIGNEE), THE CHIEF OF THE FIRE DEPARTMENT (OR A DESIGNEE) AND THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT (OR A DESIGNEE) SHALL ALSO SERVE THE COMMISSION IN AN EX OFFICIO NON-VOTING CAPACITY.

1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.

(A) EVERY MEDICAL MARIHUANA ESTBLISHEMNT IN THE CITY OF LANSING SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(B), NO PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTALSHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE FOR THE MEDICAL MARIHUANA ESTABLISHMENT FROM THE CITY CLERK. A MEDICAL MARIHUANA ESTABLISHMENT OPERATING WITHOUT A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER IS DEEMED A PUBLIC NUSIANCE.

(B) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE CITY'S MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE 1202) MAY CONTINUE TO OPERATE DURING THE APPLICATION SUBMISSION AND REVIEW PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, ONLY SO LONG AS IT

1 SUBMITS ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE
2 EFFECTIVE DATE OF THIS CHAPTER AND ONLY SO LONG AS IT HAS NOT BEEN
3 NOTIFIED BY THE CITY CLERK THAT IT WOULD NOT BE RECEIVING A
4 LICENSE OR THAT ITS APPLICATION WOULD NOT BE SUBMITTED FOR
5 CONSIDERATION TO THE COMMISSION. ONCE A MEDICAL MARIHUANA
6 ESTABLISHMENT IS NOTIFIED BY THE CITY CLERK THAT IT WILL NOT
7 RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE SUBMITTED TO
8 THE COMMISSION FOR CONSIDERATION, THE MEDICAL MARIHUANA
9 ESTABLISHMENT MUST CEASE OPERATING WITHIN 30 CALENDAR DAYS
10 FROM THE DATE OF SUCH NOTIFICATION. CONTINUING TO OPERATE AFTER
11 NOTIFICATION FROM THE CLERK SHALL BE A FACTOR THAT MAY BE
12 CONSIDERED BY THE COMMISSION IN SUBSEQUENT LICENSING
13 DETERMINATIONS.

14
15 (C) THE CITY CLERK SHALL ISSUE A NEW LICENSE FOR A MEDICAL
16 MARIHUANA ESTABLISHMENT ONLY AFTER THE COMMISSION HAS ISSUED A
17 CERTIFICATE OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE
18 YEAR. A LICENSE ISSUED UNDER THIS CHAPTER MAY BE CONDITIONED ON
19 THE APPROVAL OF THE OPERATOR BY THE STATE AT THE LOCATION UNDER
20 THE MMFLA.

21
22 ~~IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE OPERATION OF A~~
23 ~~MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY UNLESS SUCH PERSON~~
24 ~~HAS OBTAINED A LICENSE FROM THE CITY UNDER THIS CHAPTER TO DO SO~~
25 ~~FOR EACH LOCATION AND ADDITIONALLY HAS A LICENSE TO OPERATE FROM~~
26 ~~THE STATE PURSUANT TO MMFLA. EVERY MEDICAL MARIHUANA~~
27 ~~ESTABLISHMENT IN THE CITY OF LANSING SHALL BE LICENSED PURSUANT~~
28 ~~TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. EXCEPT AS~~
29 ~~PROVIDED IN SUBSECTION 1300.4(B), NO PERSON SHALL OPERATE A MEDICAL~~
30 ~~MARIHUANA ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A~~
31 ~~LICENSE. A MEDICAL MARIHUANA ESTABLISHMENT OPERATING WITHOUT A~~
32 ~~LICENSE UNDER THE PROVISIONS OF THIS CHAPTER IS DEEMED A PUBLIC~~
33 ~~NUISANCE.~~

34
35 (B) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE
36 EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE
37 CITY'S MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE
38 1202) MAY CONTINUE TO OPERATE DURING THE APPLICATION
39 SUBMISSION AND REVIEW PERIODS PROVIDED FOR IN SECTIONS 1300.5
40 AND 1300.6, ONLY SO LONG AS IT SUBMITS ITS APPLICATION FOR A
41 LICENSE WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER AND
42 ONLY SO LONG AS IT HAS NOT BEEN NOTIFIED BY THE CITY CLERK THAT
43 IT WOULD NOT BE RECEIVING A LICENSE OR THAT ITS APPLICATION
44 WOULD NOT BE SUBMITTED FOR CONSIDERATION PURSUANT TO 1300.5 (C)
45 AND (E). ONCE A MEDICAL MARIHUANA ESTABLISHMENT IS NOTIFIED BY
46 THE CITY CLERK THAT IT WILL NOT RECEIVE A LICENSE OR THAT ITS

~~APPLICATION WILL NOT BE ACCEPTED FOR CONSIDERATION, THE
MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN
30 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.~~

~~(C) THE CITY CLERK SHALL ISSUE A LICENSE FOR A MEDICAL MARIHUANA
ESTABLISHMENT ONLY AFTER THE CITY CLERK DETERMINES THAT THE
APPLICATION AND PROPOSED FACILITY ARE IN COMPLIANCE WITH THE
TERMS, CONDITIONS, AND PROVISIONS OF THIS CHAPTER. THE TERM OF
EACH LICENSE SHALL BE ONE YEAR. A LICENSE ISSUED UNDER THIS
CHAPTER MAY BE CONDITIONED ON THE APPROVAL OF THE OPERATOR
BY THE STATE AT THE LOCATION UNDER THE MMFLA..~~

1300.5– LICENSE APPLICATION SUBMISSION.

~~(A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY
THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO
THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK IN
ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL BE
CONSIDERED FOR THE ISSUANCE OF A LICENSE. EACH APPLICATION
SHALL CONTAIN A SIGNED ACKNOWLEDGEMENT THAT THE APPLICANT IS
AWARE AND UNDERSTANDS THAT ALL MATTERS RELATED TO
MARIHUANA GROWING, CULTIVATION, POSSESSION, DISPENSING,
TESTING, SAFETY COMPLIANCE, TRANSPORTING, DISTRIBUTION, AND USE
ARE CURRENTLY SUBJECT TO STATE AND FEDERAL LAWS, RULES, AND
REGULATIONS, AND THAT THE APPROVAL OR GRANTING OF A LICENSE
HEREUNDER DOES NOT EXONERATE OR EXCULPATE THE APPLICANT
FROM ABIDING BY THE PROVISIONS AND REQUIREMENTS AND PENALTIES
ASSOCIATED WITH THOSE LAWS, RULES, AND REGULATIONS OR
EXPOSURE TO ANY PENALTIES ASSOCIATED THEREWITH; AND FURTHER
THE APPLICANT WAIVES AND FOREVER RELEASES ANY CLAIM, DEMAND,
ACTION, LEGAL REDRESS, OR RECOURSE AGAINST THE CITY OF LANSING,
ITS ELECTED AND APPOINTED OFFICIALS AND ITS EMPLOYEES AND
AGENTS FOR ANY CLAIMS, DAMAGES, LIABILITIES, CAUSES OF ACTION,
DAMAGES, AND ATTORNEY FEES THE APPLICANT MAY INCUR AS A
RESULT OF THE VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS,
PARTNERS, SHAREHOLDERS, EMPLOYEES AND AGENTS OF THOSE LAWS,
RULES, AND REGULATIONS AND HEREBY WAIVES, AND ASSUMES THE
RISK OF, ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE
AGAINST THE CITY OF LANSING, ITS ELECTED AND APPOINTED
OFFICIALS, EMPLOYEES, ATTORNEYS, AND AGENTS.~~

~~(B) A COMPLETE APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER
SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND
SHALL CONTAIN ALL OF THE FOLLOWING:~~

- 1 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME,
2 DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR
3 MORE PHONE NUMBERS, INCLUDING EMERGENCY CONTACT
4 INFORMATION, A COPY OF A GOVERNMENT ISSUED PHOTO
5 IDENTIFICATION CARD OF THE APPLICANT; ~~AND A COPY OF THE~~
6 ~~APPLICANT'S CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED~~
7 ~~PURSUANT TO THE MMMA;~~
8
- 9 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
10 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR
11 MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE
12 APPLICANT, INCLUDING DESIGNATION OF A STAKEHOLDER AS AN
13 EMERGENCY CONTACT PERSON AND CONTACT INFORMATION FOR
14 THE EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION,
15 INTERNAL REVENUE SERVICE SS-4 EIN CONFIRMATION LETTER, AND
16 THE OPERATING AGREEMENT OF THE APPLICANT, IF A LIMITED
17 LIABILITY COMPANY; ~~AND A COPY OF AT LEAST ONE~~
18 ~~STAKEHOLDER'S CAREGIVER REGISTRY IDENTIFICATION CARD~~
19 ~~ISSUED PURSUANT TO THE MMMA;~~
20
- 21 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
22 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
23 NECESSARY BY THE CITY CLERK;
24
- 25 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
26 FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE APPLICANT,
27 AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN
28 CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
29 FELONY. WITH RESPECT TO ALL OTHER MEDICAL MARIHUANA
30 ESTABLISHMENTS, FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
31 APPLICANT, AN AFFIRMATION THAT EACH AND EVERY AGENT OR EMPLOYEE
32 IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN CONVICTED OF OR PLED
33 GUILTY OR NO CONTEST TO A DISQUALIFYING FELONY;
34
- 35 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
36 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
37 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
38 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
39 CRITERIA SET FORTH IN THIS CHAPTER;
40
- 41 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
42 THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
43 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
44 IF OTHER THAN THE APPLICANT;
45

1 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT
2 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND
3 IF REVOKED OR SUSPENDED, THEN THE REASON THEREFORE;
4

5 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
6 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
7 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
8 INDUSTRY;
9

10 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
11 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS
12 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH
13 IN THE MICHIGAN MEDICAL MARIHUANA ACT;
14

15 (10) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONS CENTERS, A
16 DESCRIPTION OF DRUG AND ALCOHOL AWARENESS PROGRAMS THAT
17 SHALL BE PROVIDED OR ARRANGED FOR BY THE APPLICANT AND MADE
18 AVAILABLE FOR THE PUBLIC.
19

20 (11) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
21 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;
22

23 (12) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
24 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
25

26 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
27 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF
28 EACH PERSON OR ENTITY; AND
29

30 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES
31 POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON
32 HOLDING EACH POSITION.
33

34 (13) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE
35 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE
36 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE
37 OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS
38 CHAPTER ALONG WITH A COPY OF THE LEASE FOR THE PREMISES;
39

40 (14) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL
41 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY
42 LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR
43 SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT
44 AND PREMISES. THE SECURITY PLAN MUST CONTAIN THE SPECIFICATION
45 DETAILS OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL

1 MARIHUANA ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT
2 DURING BUSINESS HOURS;
3

4 (15) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS
5 WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH
6 THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING
7 ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING
8 SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;
9

10 (16) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON
11 THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;
12

13 (17) A LOCATION AREA MAP, AS MEASURED PURSUANT TO SECTION
14 1300.13 (D) OF THE MEDICAL MARIHUANA ESTABLISHMENT AND
15 SURROUNDING AREA THAT IDENTIFIES THE RELATIVE LOCATIONS AND THE
16 DISTANCES, AS MEASURED PURSUANT TO SECTION 1300.13 (D), TO THE
17 BUFFERED USES SET FORTH IN SECTION 1300.13 (A) ~~A LOCATION AREA MAP OF~~
18 ~~THE MEDICAL MARIHUANA ESTABLISHMENT AND SURROUNDING AREA~~
19 ~~THAT IDENTIFIES THE RELATIVE LOCATIONS AND THE DISTANCES (CLOSEST~~
20 ~~PROPERTY LINE TO THE SUBJECT ESTABLISHMENT'S PROPERTY LINE) FROM~~
21 ~~THE SUBJECT MEDICAL MARIHUANA ESTABLISHMENT TO THE CLOSEST REAL~~
22 ~~PROPERTY OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR~~
23 ~~SECONDARY SCHOOL, CHURCH, PARK, A FACILITY AT WHICH SUBSTANCE~~
24 ~~ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND~~
25 ~~REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA~~
26 ~~368 OF 1978, MCL 333.6101 ET SEQ., ANOTHER LICENSED MEDICAL MARIHUANA~~
27 ~~ESTABLISHMENT OR A COMMERCIAL CHILD CARE ORGANIZATION (NON-~~
28 ~~HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED~~
29 ~~WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES;~~
30

31 (18) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY
32 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING
33 HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY
34 MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY
35 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS
36 PROHIBITED;
37

38 (19) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK
39 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL
40 MONITOR INVENTORY;
41

42 (20) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,
43 INCLUDING MOLD AND PESTICIDES;
44

45 (21) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
46 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.

1 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT
2 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,
3 FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;

4
5 (22) VERIFICATION, INCLUDING COPIES OF ACTUAL BANK STATEMENTS,
6 SHOWING THAT THE APPLICANT HAS MINIMUM NET WORTH OF ONE
7 HUNDRED THOUSAND DOLLARS (\$100,000) IN THE APPLICANT'S NAME. WITH
8 COPIES OF ACTUAL BANK STATEMENTS, SHOWING THAT THE APPLICANT HAS
9 TANGIBLE FINANCIAL CAPITAL IN THE APPLICANT'S NAME IN THE AMOUNT
10 SUFFICIENT TO COMPLETE THE MEDICAL MARIHUANA ESTABLISHMENT AND
11 TO FUND THE BUSINESS PLAN AND OTHER PLANS REQUIRED BY THIS
12 SECTION 1300.5;

13
14 (23) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
15 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
16 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH
17 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE
18 MEDICAL MARIHUANA ESTABLISHMENT; AND

19
20 (24) A SIGNED ACKNOWLEDGMENT THAT THE APPLICANT IS AWARE AND
21 UNDERSTANDS THAT ALL MATTERS RELATED TO MARIHUANA, GROWING,
22 CULTIVATION, POSSESSION, DISPENSING, TESTING, SAFETY COMPLIANCE,
23 TRANSPORTING, DISTRIBUTION, AND USE ARE CURRENTLY SUBJECT TO
24 STATE AND FEDERAL LAWS, RULES, AND REGULATIONS, AND THAT THE
25 APPROVAL OR GRANTING OF A LICENSE HEREUNDER DOES NOT EXONERATE
26 OR EXCULPATE THE APPLICANT FROM ABIDING BY THE PROVISIONS AND
27 REQUIRMENTS AND PENALTIES ASSOCIATED WITH THOSE LAWS, RULES AND
28 REGULATIONS OR EXPOSURE TO ANY PENALTIES ASSOCIATED THEREWITH;
29 AND FURTHER THE APPLICANT WAIVES AND FOREVER RELEASES ANY
30 CLAIM, DEMAND, ACTION, LEGAL REDRESS, OR RECOURSE AGAINST THE
31 CITY OF LANSING, ITS ELECTED AND APPOINTED OFFICIALS AND ITS
32 EMPLOYEES AND AGENTS FOR ANY CLAIMS, DAMAGES, LIABILITIES, CAUSES
33 OF ACTION, DAMAGES, AND ATTORNEY FEES THE APPLICANT MAY OCCUR AS
34 A RESULT OF THE VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS,
35 PARTNERS, SHAREHOLDERS, EMPLOYEES AND AGENT OF THOSE LAWS,
36 RULES, AND REGULATIOS AND HEREBY WAIVER, AND ASSUMES THE RISK OF,
37 ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE AGAINST THE
38 CITY OF LANSING, ITS ELECTED AND APPOINTED OFFICIALS, EMPLOYEES,
39 ATTORNEYS, AND AGENTS.

40
41
42 (25) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE
43 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:
44

1 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A
2 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED, INCLUDING
3 PLANS FOR THE GROWING MEDIUMS, TREATMENTS, AND / OR ADDITIVES;
4

5 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A
6 DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING
7 BY AN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION
8 ACCREDITED TESTING FACILITY WILL BE SELECTED, WHAT TYPE OF
9 TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE
10 USED;
11

12 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
13 CONFORMANCE WITH THE MMMA, THE MMFLA, MTA AND OTHER
14 APPLICABLE STATE LAW;
15

16 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE
17 NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND
18 HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE
19 ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED
20 PESTICIDES;
21

22 (V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING.
23

24 (26) PROOF OF AN INSURANCE POLICY COVERING THE ESTABLISHMENT
25 AND NAMING THE CITY, ITS ELECTED AND APPOINTED OFFICIALS,
26 EMPLOYEES, AND AGENTS, AS ADDITIONAL INSURED PARTIES,
27 AVAILABLE FOR THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN
28 ACT OR OMISSION OF THE APPLICANT OR ITS STAKEHOLDERS, AGENTS,
29 EMPLOYEES, OR SUBCONTRACTORS, IN THE AMOUNT OF (A) AT LEAST
30 ONE MILLION DOLLARS FOR PROPERTY DAMAGE; (B) AT LEAST ONE
31 MILLION DOLLARS FOR INJURY TO ONE PERSON; AND (C) AT LEAST TWO
32 MILLION DOLLARS FOR INJURY TO TWO OR MORE PERSON RESULTING
33 FROM THE SAME OCCURRENCE. THE INSURANCE POLICY UNDERWRITER
34 MUST HAVE A MINIMUM A.M. BEST COMPANY INSURANCE RANKING OF
35 B+, CONSISTENT WITH STATE LAW.
36

37 (27) (A) PROOF OF A SURETY BOND IN THE AMOUNT OF \$50,000 WITH THE
38 CITY OF LANSING LISTED AS THE OBLIGEE TO GUARANTEE
39 PERFORMANCE BY APPLICANT OF THE TERMS, CONDITIONS AND
40 OBLIGATIONS OF THIS CHAPTER IN A MANNER AND SURETY APPROVED
41 BY THE CITY ATTORNEY; OR, IN THE ALTERNATIVE,
42

43 (B) CREATION OF AN ESCROW ACCOUNT AS FOLLOWS;
44

45 (1) THE ACCOUNT MUST BE PROVIDED BY A STATE OR FEDERALLY
46 REGULATED FINANCIAL INSTITUTION,

(2) THE ACCOUNT MUST BE FOR THE BENEFIT OF THE CITY TO GUARANTEE PERFORMANCE BY LICENSEE IN COMPLIANCE WITH THE APPLICABLE LAW,

(3) THE ACCOUNT MUST BE IN THE AMOUNT OF TWENTY THOUSAND (\$20,000) AN IN A FORM PRESCRIBED BY THE CITY ATTORNEY.

(28) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.

(C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A LICENSE APPLICATION FEE IN AN AMOUNT OF \$5,000. SHOULD THE APPLICANT NOT RECEIVE A LICENSE ESTABLISHED BY CITY COUNCIL RESOLUTION, ONE-HALF OF THE APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE IN AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION. THE APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO DEFRAY THE COSTS OF ADMINISTRATION OF THIS CHAPTER.

(D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER.

(E) EXCEPT AS PROVIDED IN SECTION 1300.18 NO APPLICATIONS SHALL BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION UNLESS :NO APPLICATION SHALL BE ACCEPTED BY THE CITY CLERK UNLESS:

(1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT AND FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER;

(2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED LOCATION COMPLIES WITH THE ZONING CODE AND THIS CHAPTER , INCLUDING ANY VARIANCES GRANTED UNDER SECTION 1300.18;

(3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND EACH STAKEHOLDER OF THE APPLICANT AND THE PROPOSED LOCATION OF THE ESTABLISHMENT IS ARE NOT IN DEFAULT TO THE CITY;

(4) THE POLICE DEPARTMENT HAS DETERMINED THAT THE APPLICANT HAS MET THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE BACKGROUND CHECK AND SECURITY PLAN.

(F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ~~REFER A COPY OF THE APPLICATION TO THE COMMISSION FOR ITS EVALUATION.~~ ~~ACCEPT A COPY OF THE APPLICATION FOR CONSIDERATION.~~

1300.6-LICENSE APPLICATION EVALUATION.

(A) EXCEPT AS PROVIDED IN 1300.8(A), ~~THE COMMISSION WILL ASSESS ALL APPLICATIONS REFERRED TO IT BY THE CITY CLERK WILL ASSESS ALL APPLICATIONS PURSUANT TO SECTION 1300.5~~ ~~THE PROVISIONS, REQUIREMENTS, AND CRITERIA SET FORTH IN THIS CHAPTER AND SHALL CONSULT WITH THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE FINANCE DEPARTMENT. THE CITY CLERK MAY CONSULT WITH OUTSIDE PROFESSIONALS IN THE BUSINESS AND FINANCE DISCIPLINES.~~

(B) IN ITS APPLICATION ~~REVIEW AND~~ DELIBERATIONS, THE ~~COMMISSION CITY CLERK~~ SHALL ASSESS, ~~EVALUATE, AND SCORE~~ EACH APPLICATION ~~BASED UPON A SCORING PROCEDURE DEVELOPED BY THE COMMISSION,~~ IN EACH OF THE FOLLOWING CATEGORIES:

- ~~(1) THE CONTENT AND SUFFICIENCY OF THE INFORMATION CONTAINED IN 1300.5 (B) (3) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27),. AND (28); WHETHER THE REPORTS ISSUED BY THE FIRE, POLICE, BUILDING SAFETY, ZONING AND TREASURY DEPARTMENTS INDICATE THAT THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE SATISFIED THE REQUIREMENTS OF 1300.5 (E) (1-4) AND SUFFICIENTLY ADDRESSED THE CONSIDERATIONS OF 1300.5 (B) (1-25).~~
- (2) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;
- (3) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ~~POSED A THREAT TO THE~~ ~~ARE PERSONS OF GOOD CHARACTER, HONESTY,~~

1 ~~AND INTEGRITY WHO DO NOT DISCREDIT OR TEND TO DISCREDIT~~
2 ~~PUBLIC CONFIDENCE AND TRUST IN THE MEDICAL MARIHUANA~~
3 ~~INDUSTRY, OR POSE A THREAT TO THE PUBLIC HEALTH, SECURITY,~~
4 ~~SAFETY, MORALS, GOOD ORDER, OR GENERAL WELFARE; WHETHER~~
5 ~~THE APPLICATION HAS PREVIOUSLY OPERATED OR CURRENTLY~~
6 ~~OPERATES AN ILLEGAL BUSINESS OF ANY KIND.~~

- 7
8 (4) ~~WHETHER THE APPLICANT HAS REASONABLY DEMONSTRATED IT~~
9 ~~POSSESSES SUFFICIENT FINANCIAL RESOURCES TO FUND AND THE~~
10 ~~REQUISITE BUSINESS EXPERIENCE TO EXECUTIE THE SUBMITTED~~
11 ~~BUSINESS PLAN AND OTHER PLANS REQUIRED BY SECTION 1300.5.~~

12
13 (C) ~~THE MAXIMUM NUMBER OF LICENSES ISSUED FOR MEDICAL MARIHUANA~~
14 ~~PROVISIONS CENTERS SHALL BE CAPPED AT TWENTY-FIVE (25), AND~~
15 ~~IMPLEMENTED IN A TWO-PHASE PROCESS IN ORDER TO BALANCE SERVING~~
16 ~~PATIENTS' NEEDS AND SPREADING ECONOMIC DEVELOPMENT. (1) PHASE~~
17 ~~ONE: AT THE CONCLUSION OF A SIXTY (60) DAY ENROLLMENT PERIOD SET BY~~
18 ~~THE CITY CLERK, THE CITY WILL ISSUE UP TO TWENTY (20) LICENSES TO~~
19 ~~ALLOW FOR AN EFFICIENT AND MANAGABLE ADMINISTRATIVE REVIEW. THE~~
20 ~~COMMISSION MAY ADJUST DISTRIBUTION OF PHASE 2 LICENSES TO MEET~~
21 ~~PATIENTS' NEEDS. (2) PHASE TWO: AT THE CONCLUSION OF A SECOND~~
22 ~~THIRTY (30)DAY ENROLLMENT PERIOD SET BY THE CLERK, WHICH IS OPEN~~
23 ~~TO NEW APPLICANTS AND AMENDED APPLICANTS, THE COMMISSION MAY~~
24 ~~ISSUE UP TO FIVE (5) ADDITIONAL LICENSES. DURING THE TWO-PHASE~~
25 ~~PROCESS. AN APPLICATION SUBMITTED DURING PHASE ONE AND~~
26 ~~APPROVED BY THE CLERK, BUT NOT SELECTED FOR APPROVAL DURING~~
27 ~~PHASE ONE MAY BE CONSIDERED FOR APPROVAL DURING PHASE TWO. THE~~
28 ~~COMMISSION WILL INITIATE PHASE TWO WITHIN ONE YEAR OF THE START OF~~
29 ~~PHASE ONE.~~

30
31 (D) ~~IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO MEET~~
32 ~~THE CRITERIA SET FORTH IN 1300.6(B) THAN LICENSES AVAILABLE~~
33 ~~IN EITHER PHASE ONE OR TWO, THE TOP SCORING FIFTEEN (15)~~
34 ~~APPLICANTS IN PHASE ONE AND TOP SCORING TEN (10) APPLICANTS~~
35 ~~IN PHASE TWO SHALL BE ELIGIBLE TO RECEIVE LICENSES. IN THE~~
36 ~~EVENT OF A TIE DURING EITHER PHASE ONE OR PHASE TWO, WHICH~~
37 ~~CAUSES THERE TO BE MORE THAN 15 AND 10 TOP APPLICANTS~~
38 ~~RESPECTIVELY, THE TIED APPLICANTS WILL BE ENTERED INTO A~~
39 ~~RANDOM DRAW USING PROCEDURES SET BY THE~~
40 ~~COMMISSION. ALL LICENSE APPLICATIONS MUST BE SUBMITTED~~
41 ~~DURING THE OPEN ENROLLMENT PERIODS SET BY THE CLERK.~~

42
43 ~~IF THE CITY CLERK ISSUES A CERTIFICATE OF APPROVAL TO AN~~
44 ~~APPLICANT, THE CITY CLERK SHALL ISSUE AN INITIAL LICENSE TO~~
45 ~~THAT APPLICANT WITHIN TEN (10) BUSINESS DAYS.~~
46

(E) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST IN A LICENSE OF ANY KIND OR NATURE WHATSOEVER INCLUDING BUT NOT LIMITED TO AN ENTITLEMENT ENTITLING AN APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN APPLICATION OR WITH REGARD TO ANY SCORING DECISION.

1300.7 – LICENSE RENEWAL APPLICATION.

(A) APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE IN WRITING TO THE CITY CLERK AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF AN EXISTING LICENSE.

(B) AN APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(B).

(C) AN APPLICATION FOR A LICENSE RENEWAL SHALL BE ACCOMPANIED BY A RENEWAL FEE IN AN AMOUNT OF \$5,000. ESTABLISHED BY CITY COUNCIL RESOLUTION, OF WHICH HALF WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE RENEWAL FEE IS ESTABLISHED TO DEFRAY THE COSTS OF THE ADMINISTRATION OF THIS CHAPTER.

(D) UPON RECEIPT OF A COMPLETED APPLICATION FOR A LICENSE RENEWAL MEETING THE REQUIREMENTS OF THIS CHAPTER AND THE LICENSE RENEWAL FEE, THE CITY CLERK SHALL REFER A COPY OF THE RENEWAL APPLICATION TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE LANSING POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER, AND THE MEDICAL MARIHUANA COMMISSION.

(E) NO APPLICATION FOR A LICENSE RENEWAL APPLICATION SHALL BE APPROVED UNLESS:

- (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN THE PAST CALENDAR YEAR;
- (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED LOCATION CURRENTLY COMPLIES WITH THE ZONING CODE AND THIS CHAPTER, AT THE TIME A LICENSE IS GRANTED, INCLUDING ANY VARIANCES GRANTED UNDER SECTION 1300.18.

(3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND EACH STAKEHOLDER OF THE APPLICANT AND THE PROPOSED LOCATION OF THE ~~ESTABLISHMENT FACILITY~~ ARE NOT CURRENTLY IN DEFAULT TO THE CITY;

(4) THE POLICE DEPARTMENT HAS REVIEWED THE APPLICATION AND DETERMINED THAT THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE BACKGROUND CHECK AND SECURITY PLAN;

(5) THE ~~MEDICAL MARIHUANA COMMISSION CITY CLERK~~ HAS REVIEWED THE APPLICATION FOR COMPLIANCE WITH 1300.6 ~~(B)(1-3)~~.

(F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A LICENSE RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED, HALF OF THE RENEWAL FEE SHALL BE RETURNED. THE RENEWAL SHALL BE DEEMED APPROVED IF THE CITY HAS NOT ISSUED FORMAL NOTICE OF APPROVAL OR DENIAL WITHIN 60 DAYS OF THE APPLICATION BEING FILED. ~~FILING DATE OF THE APPLICATION, UNLESS THE APPLICANT IS ADVISED OF NON-COMPLIANCE UNDER 1300.7 (E)~~

1300.8 – LICENSES GENERALLY.

(A) TO THE EXTENT PERMISSIBLE UNDER LAW, ALL INFORMATION SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ. ~~FURTHERMORE, NO PERSONAL INFORMATION CONCERNING THE APPLICANT SHALL BE SUBMITTED TO THE MEIDCAL MARIHUANA COMMISSION.~~

(B) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL FROM THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, ~~AND~~ THE CITY TREASURER, ~~AND THE MEDICAL MARIHUANA COMMISSION.~~ NO LICENSE TRANSFER SHALL BE APPROVED UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE STANDARDS IDENTIFIED ~~IN THIS CHAPTER, INCLUDING~~

1 BUT NOT LIMITED TO SECTION 1300.5(E) AND THE MEDICAL MARIHUANA
2 COMMISSION CITY—CLERK HAS DETERMINED THAT THE PROPOSED
3 LOCATION MEETS THE REQUIREMENTS OF 1300.6 (B)(2).
4

5 (C) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO
6 A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL
7 BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
8 LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST
9 MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT
10 LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE WRITTEN
11 REQUEST, THE CITY CLERK SHALL CONSIDER THE REQUEST AS A NEW
12 APPLICATION FOR A LICENSE AND THE PROCEDURES SET FORTH IN 1300.5
13 AND 1300.6 SHALL BE FOLLOWED INCLUDING SUBMISSION OF THE LICENSE
14 APPLICATION FEE. APPLICATION FEES ARE NON-TRANSFERABLE.
15

16 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION
17 REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10)
18 BUSINESS DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN
19 SUSPENSION OR REVOCATION OF THE LICENSE.
20

21 (E) ANY LICENSE APPLICATIONS APPROVED PURSUANT TO THIS CHAPTER
22 SHALL NOT BE EFFECTIVE AND NO MEDICAL MARIHUANA ESTABLISHMENT
23 MAY OPERATE UNLESS THE MEDICAL MARIHUANA ESTABLISHMENT IS
24 OPERATED PURSUANT TO A LICENSE ISSUED UNDER THE MMFLA.
25

26 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
27 **PROVISIONING CENTER.**
28

29 EXCEPT AS PROVIDED BY THE RULES AND REGULATIONS ESTABLISHED BY THE
30 MICHIGAN MEDICAL MARIHUANA LICENSING BOARD,
31

32 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED
33 IN A BUILDING, AS DEFINED UNDER SECTION 1300.2.
34

35 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN
36 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;
37

38 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES
39 OF A MEDICAL MARIHUANA PROVISIONING CENTER EXCEPT AS PERMITTED BY
40 LANSING CITY CHARTER SECTION 8-501 AND STATE LAW;
41

42 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY
43 MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH
44 SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO
45 RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A
46 PERIOD OF 14 DAYS;

1
2 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE
3 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM
4 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A
5 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL
6 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN
7 AREA ACCESSIBLE TO THE GENERAL PUBLIC;
8

9 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL
10 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY
11 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY
12 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
13 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
14 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
15 AREA ONLY IF PERMITTED BY THE MMFLA;
16

17 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
18 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
19 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
20 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;
21

22 (H) DRIVE-THRU WINDOWS ON THE PREMISES OF A MEDICAL MARIHUANA
23 PROVISIONING CENTER SHALL NOT BE PERMITTED;
24

25 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
26 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
27 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
28 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED; **OR**
29 **ANY OTHER NUISANCE THAT HINDERS THE PUBLIC HEALTH, SAFETY AND**
30 **WELFARE OF THE RESIDENTS OF THE CITY OF LANSING.**
31

32 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
33 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
34 CENTER;
35

36 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A
37 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT
38 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;
39

40 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
41 PACKAGED AND LABELED AS PROVIDED BY STATE LAW AND THIS CHAPTER.
42 THE LABEL SHALL INCLUDE:
43

44 (1) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE PERSON TO WHOM IT
45 IS BEING DELIVERED;

- 1 (2) A UNIQUE ALPHA NUMERIC IDENTIFIER FOR THE CULTIVATION
2 SOURCE OF THE MARIHUANA;
3 (3) THAT THE PACKAGE CONTAINS MARIHUANA;
4 (4) THE DATE OF DELIVERY, WEIGHT, TYPE OF MARIHUANA AND DOLLAR
5 AMOUNT OR OTHER CONSIDERATION BEING EXCHANGED IN THE
6 TRANSACTION;
7 (5) A CERTIFICATION THAT ALL MARIHUANA IN ANY FORM CONTAINED IN
8 THE PACKAGE WAS CULTIVATED, MANUFACTURED, AND PACKAGED IN
9 THE STATE OF MICHIGAN;
10 (6) THE WARNING THAT; “THIS PRODUCT IS MANUFACTURED WITHOUT
11 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY.
12 THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR
13 USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE
14 DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE
15 USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF
16 CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES
17 NOT COMPLY WITH STATE LAW OR BY PERSON WHO DOES NOT
18 POSSESS A VALID MEDICAL MARIHUANA PATIENT REGISTRY CARD.”
19 (7) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF
20 AN AUTHORIZED REPRESENTATIVE OF THE DISPENSARY WHOM A
21 PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE
22 PRODUCT.

23
24 (M) A LICENSEE SHALL REQUIRE ALL REGISTERED PATIENTS PRESENT BOTH
25 THEIR MICHIGAN MEDICAL MARIHUANA PATIENT/CAREGIVER ID CARD AND
26 STATE IDENTIFICATION PRIOR TO ENTERING RESTRICTED/LIMITED AREAS OR
27 NON-PUBLIC AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER, AND
28 IF NO RESTRICTED/LIMITED AREA IS REQUIRED, THEN PROMPTLY UPON
29 ENTERING THE MEDICAL MARIHUANA PROVISIONING CENTER.

30
31 (N) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
32 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON
33 THE PREMISES.

34
35 (O) IT SHALL BE PROHIBITED TO DISPLAY ANY SIGNS THAT ARE
36 INCONSISTENT WITH LOCAL LAWS OR REGULATIONS OR STATE LAW.

37
38 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS FROM
39 ~~DISPLAYING OR DISTRIBUTING IN ANY MANNER, PHYSICALLY OR~~
40 ~~ELECTRONICALLY, ADVERTISING MATERIAL THAT IS~~ MISLEADING, DECEPTIVE,
41 OR FALSE, OR THAT IS DESIGNED TO APPEAL TO MINORS.

42
43 (Q) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL
44 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN
45 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY
46 MEDIUM WITHIN THE DISTANCE LIMITATIONS SET FORTH IN SECTION 1300.13 (A)

~~(1) WITHIN ONE THOUSAND (1,000) FEET MEASURED PROPERTY LINE TO PROPERTY LINE OF THE REAL PROPERTY LINE COMPRISING AN OPERATIONAL SCHOOL; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA 416, MCL 722.11 ET SEQ; OR~~

~~(2) WITHIN FIVE HUNDRED (500) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; PARKS; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.~~

(R) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL CANNABINOID TESTING RESULTS, AND A PASS/FAIL RATING BASED ON THE CERTIFIED LABORATORY'S STATE-REQUIRED TESTING MUST BE AVAILABLE TO ALL MEDICAL MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON REQUEST AND PROMINENTLY DISPLAYED.

1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA GROWER FACILITY.

(A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA GROWER FACILITIES SHALL APPLY:

(1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE MTA, AND THE GENERAL RULES OF THE ~~MEDICAL MARIHUANA LICENSING BOARD AND THE~~ DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS **THEY MAY BE AMENDED FROM TIME TO TIME.** ~~THE FOREGOING LAWS AND REGULATIONS MAY BE AMENDED FROM TIME TO TIME;~~

(2) EXCEPT AS PROVIDED BY STATE LAW AND LANSING CITY CHARTER, CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE GROWER FACILITY;

(3) ALL GROWER ACTIVITY RELATED TO THE GROWER FACILITY SHALL BE PERFORMED IN A BUILDING;

1 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
2 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
3 ON THE PREMISES;

4
5 (5) ANY MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY WITH
6 THE MTA AND SHALL MAINTAIN A LOG BOOK AND/OR DATABASE
7 IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA AND THE
8 NUMBER OF MEDICAL MARIHUANA PLANTS ON THE PREMISES WHICH SHALL
9 NOT EXCEED THE AMOUNT PERMITTED UNDER THE GROWER LICENSE
10 ISSUED BY THE STATE OF MICHIGAN. THIS LOG SHALL BE AVAILABLE TO
11 LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE MEDICAL
12 MARIHUANA GROWER DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
13 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
14 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
15 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

16
17 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
18 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
19 MMFLA, MTA, AND THE RULES AND REGUALTIONS OF THE MEDICAL
20 MARIHUANA LICENSING BOARD, AS AMENDED;

21
22 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
23 PERMITS SHALL BE OBTAINED FROM THE CITY OF LANSING OR OTHER
24 APPLICABLE GOVERNMENT AUTHORITY FOR ANY PORTION OF THE
25 STRUCTURE IN WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING
26 DEVICES THAT SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF
27 MARIHUANA ARE LOCATED;

28
29 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS SUCH AS
30 HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED SHALL BE SUBJECT
31 TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO
32 INSURE COMPLIANCE WITH THE MICHIGAN FIRE CODES;

33
34 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
35 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

36
37 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
38 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
39 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT
40 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
41 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;

42
43 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
44 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
45 INCLUDING BUT NOT LIMITED TO:

1 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
2

3 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
4 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
5 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
6

7 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
8 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
9 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
10 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
11 CONDITION IS CORRECTED.
12

13 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
14 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
15 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
16 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
17

18 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
19 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
20 IN GOOD REPAIR;
21

22 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
23 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
24 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
25 WASTE DEVELOPMENT AND MINIMIZE THE POTENTIAL FOR WASTE
26 BECOMING AN ATTRACTANT, HARBORAGE OR BREEDING PLACE FOR PESTS;
27

28 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
29 MAINTAINED IN A SANITARY CONDITION;
30

31 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
32 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
33 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
34

35 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
36 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
37 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
38

39 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
40 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
41

42 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
43 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
44 HUMAN CONSUMPTION.
45

(B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.

1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

(A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE FACILITIES SHALL APPLY:

(1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE MTA, AND THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD ~~AND THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS~~ **AS THEY** MAY BE AMENDED FROM TIME TO TIME

(2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;

(3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON THE PREMISES;

(4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE. THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING PATIENTS IN COMPLIANCE WITH THE **MICHIGAN MEDICAL MARIHUANA ACT** ~~MMMA, MMFLA, AND MTA~~, AS AMENDED;

(5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE MMFLA, AND THE MTA, AND THE RULES AND REGULATIONS OF THE MEDICAL MARIHUANA LICENSING BOARD, AS AMENDED;

(6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL MARIHUANA;

(7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;

(8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN

1 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
2 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;

3
4 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
5 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
6 IN GOOD REPAIR;

7
8 (10) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
9 MAINTAINED IN A SANITARY CONDITION;

10
11 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
12 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
13 PREVENTS THE GROWTH OF THESE MICROORGANISMS;

14
15 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
16 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.

17
18 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
19 **PROCESSOR FACILITY AND A MEDICAL MARIHUANA SECURE TRANSPORTER.**

20
21 (A) THE FOLLOWING MINIMUM STANDARDS FOR PROCESSOR AND A SECURE
22 TRANSPORTER SHALL APPLY:

23
24 (1) THE PROCESSOR AND SECURE TRANSPORTER SHALL COMPLY AT ALL
25 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, MTA
26 AND THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD
27 ~~AND THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR~~
28 ~~SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS~~ AS THEY MAY
29 BE AMENDED FROM TIME TO TIME;

30
31 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
32 LANSING CITY CHARTER, CONSUMPTION AND/OR USE OF MEDICAL
33 MARIHUANA SHALL BE PROHIBITED AT THE PROCESSOR OR SECURE
34 TRANSPORTER FACILITY;

35
36 (3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE
37 PERFORMED INDOORS IN A BUILDING;

38
39 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
40 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
41 ON THE PREMISES;

42
43 (5) ANY PROCESSOR AND/OR SECURE TRANSPORTER FACILITY SHALL
44 MAINTAIN A LOG BOOK AND/OR DATABASE IN ACCORDANCE WITH THE
45 MMFLA, THE MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
46 MARIHUANA LICENSING BOARD IDENTIFYING BY DATE THE AMOUNT OF

1 MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL NOT EXCEED THE
2 AMOUNT PERMITTED UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE
3 OF MICHIGAN, TO THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG
4 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM
5 THAT THE PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
6 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
7 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
8 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

9
10 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE
11 IDENTIFICATION.
12

13 (7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
14 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
15 MMFLA, MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
16 MARIHUANA LICENSING BOARD, AS AMENDED;
17

18 (8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
19 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
20 WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING
21 ~~OR SECURE TRANSPORTING OF MEDICAL MARIHUANA ARE LOCATED;~~
22

23 (9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY
24 CHEMICALS EXIST SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY
25 THE LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE
26 MICHIGAN FIRE PROTECTION CODE;
27

28 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
29 MARIHUANA PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE
30 PROHIBITED EXCEPT AS AUTHORIZED BY LANSING CITY CHARTER AND
31 STATE LAW;
32

33 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
34 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH THE
35 PROCESSING ~~MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT~~
36 ~~ACCESSORY USES IN SUITES OR SECURE TRANSPORTING OF MEDICAL~~
37 ~~MARIHUANA. MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT~~
38 ~~ACCESSORY USES IN SUITES~~ SEGREGATED FROM THE PROCESSOR FACILITY;
39

40 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
41 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
42 INCLUDING BUT NOT LIMITED TO:
43

44 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
45

1 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
2 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
3 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
4

5 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
6 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
7 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
8 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
9 CONDITION IS CORRECTED.
10

11 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
12 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
13 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
14 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
15

16 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
17 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
18 IN GOOD REPAIR;
19

20 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
21 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
22 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
23 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
24 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
25 FOR PESTS;
26

27 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
28 MAINTAINED IN A SANITARY CONDITION;
29

30 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE
31 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET
32 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD
33 REPAIR;
34

35 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
36 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
37 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
38

39 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY
40 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
41

42 (20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN
43 USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.
44

(B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A MEDICAL MARIHUANA PROCESSOR FACILITY AND/OR MEDICAL MARIHUANA SECURE TRANSPORTER FACILITY SHALL BE PROHIBITED.

1300.13 – LOCATION, BUFFERING, DISPERSION, AND ZONING REQUIREMENTS FOR MEDICAL MARIHUANA PROVISIONING CENTERS.

(A) EXCEPT IN ACCORDANCE WITH SECTION 1300.18, FOR BUFFERING AND DISPERSION PURPOSES, NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN:

(1) ONE THOUSAND (1000) FEET, ~~MEASURED FROM PROPERTY LINE TO PROPERTY LINE,~~ OF AN OPERATIONAL SCHOOL INCLUDING PRE-KINDERGARTEN THAT IS LOCATED WITHIN A SCHOOL; OR ; A COMMERCIAL CHILD CARE ORGANIZATION (NON HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ.;

(2) FIVE HUNDRED (500) FEET, OF THE FOLLOWING BUFFERED USES: PUBLIC PLAYGROUND EQUIPMENT LOCATED IN A PARK; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT 173 PA 116, MCL 722.11 ET. SEQ. ~~MEASURED FROM PROPERTY LINE TO PROPERTY LINE, OF; A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; A CHURCH A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES AND THOSE TERMS ARE DEFINED IN PART 61 OR PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED, OR ANOTHER MEDICAL MARIHUANA PROVISIONING CENTER. OR OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; PARKS; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.~~

(B) MEDICAL MARIHUANA PROVISIONING CENTERS SHALL BE LIMITED TO F AND F1-COMMERCIAL, G2-WHOLESALE, H-LIGHT INDUSTRIAL, AND I-HEAVY INDUSTRIAL AS SUCH DISTRICTS ARE DESCRIBED AND DESIGNATED PROVIDED BY THE ZONING PROVISIONS OF THE LANSING CODIFIED ORDINANCES.

1 (C) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED
2 WITHIN ANOTHER BUSINESS EXCEPT AS PERMITTED BY THE MEDICAL
3 MARIHUANA LICENSING BOARD REGULATIONS.

4
5 (D) FOR THE PURPOSE OF CALCULATING THE BUFFERING AND DISPERSION
6 REQUIREMENTS OF THIS SECTION 1300.13, THE DISTANCE SHALL BE MEASURED
7 ALONG THE CENTER LINE OF THE STREET OR STREETS OF ADDRESS BETWEEN
8 TWO FIXED POINTS ON THE CENTER LINE DETERMINED BY PROJECTING
9 STRAIGHT LINES, AT RIGHT ANGLES TO THE CENTER LINE, FROM THE PART OF
10 THE BUFFERED USE NEAREST TO THE CONTEMPLATED LOCATION OF THE
11 MEDICAL MARIHUANA ESTABLISHMENT AND FROM THE PART OF THE
12 CONTEMPLATED LOCATION NEAREST TO THE BUFFERED USE. THE DISTANCES
13 FROM THE MEDICAL MARIHUANA ESTABLISHMENT TO THE POINT ON THE
14 CENTERLINE AND FROM THE BUFFERED USE TO THE POINT ON THE CENTERLINE
15 SHALL BE INCLUDED IN THE CALCULATION. NO MEDICAL MARIHUANA
16 ESTABLISHMENT SHALL BE LOCATED IN AN UNZONED AREA OR IN AN AREA
17 SUBJECT TO AN AGREEMENT ENTERED INTO PURSUANT TO PUBLIC ACT 425 OF
18 1984

19
20 (E) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY
21 CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF
22 MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON LICENSED PREMISES.

23
24 (F) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN
25 UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO
26 PURSUANT TO PUBLIC ACT 425 OF 1984.

27
28 **1300.14 - LOCATION OF MEDICAL MARIHUANA GROWER FACILITIES,**
29 **MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL**
30 **MARIHUANA PROCESSOR FACILITIES, MEDICAL MARIHUANA GROWER**
31 **FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTERS.**

32
33 (A) ALL MEDICAL MARIHUANA GROWER FACILITIES SHALL BE SUBJECT TO
34 SUBSECTION 1300.13(E) AND LIMITED TO H-LIGHT INDUSTRIAL AND I-HEAVY
35 INDUSTRIAL ZONING DISTRICT AS IDENTIFIED IN THE LANSING CODIFIED
36 ORDINANCES. NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY,
37 MEDICAL MARIHUANA PROCESSOR FACILITY, MEDICAL MARIHUANA GROWER
38 FACILITY, OR MEDICAL MARIHUANA SECURE TRANSPORTER SHALL BE
39 LOCATED WITHIN

40
41 (1) ONE THOUSAND (1,000) FEET, MEASURED FROM THE PROPERTY LINE
42 OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF
43 AN OPERATIONAL SCHOOL; A COMMERCIAL CHILD CARE ORGANIZATION
44 (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR
45 REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN

~~SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ.; OR~~

~~(2) FIVE HUNDRED (500) FEET, MEASURED FROM THE PROPERTY LINE OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; OR A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; PARKS; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.~~

(B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL MARIHUANA PROCESSOR FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTER FACILITIES SHALL BE SUBJECT TO **SECTION 1300.13(E) SUBSECTION (A)** AND SHALL BE LIMITED TO THE H-LIGHT INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

(C) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO PURSUANT TO PUBLIC ACT 425 OF 1984.

(D) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON LICENSED PREMISES.

~~ALL MEDICAL MARIHUANA GROWER FACILITIES SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO THE H-LIGHT INDUSTRIAL OR I-HEAVY INDUSTRIAL ZONING DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.~~

1300.15 - LICENSE REVOCATION; BASES FOR REVOCATION; APPEAL OF LICENSE DENIAL.

(A) **ANY** LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN ADMINISTRATIVE HEARING **AT WHICH A HEARING OFFICER APPOINTED BY THE CITY CLERK DETERMINES** AND A DETERMINATION THAT ANY GROUNDS FOR REVOCATION **MUST BE GIVEN TO THE LICENSEE AT LEAST TEN (10) DAYS PRIOR TO THE DATE OF THE HEARING BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS PROVIDED TO THE CITY CLERK IN WRITING SUBSEQUENT TO THE FILING OF AN APPLICATION.** ~~UNDER SUBSECTION (B) EXIST. NOTICE OF THE TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE HEARING, BY FIRST CLASS MAIL TO THE~~

~~ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS PROVIDED
PURSUANT TO 1300.4(A)(1) OR (2);~~

(B) A LICENSE **APPLIED FOR OR** ISSUED UNDER THIS CHAPTER MAY BE DENIED OR REVOKED ON ANY OF THE FOLLOWING BASES:

(1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER, **INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION 1300.16(5);**

(2) ANY CONVICTION OF A DISQUALIFYING FELONY BY THE LICENSEE, STAKEHOLDER, OR ANY PERSON HOLDING AN OWNERSHIP INTEREST IN THE LICENSE;

(3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF A FALSE STATEMENT BY THE APPLICANT, LICENSEE, OR ANY STAKEHOLDER OF THE APPLICANT OR LICENSEE WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER REQUIRES A LICENSE;

(4) FAILURE TO OBTAIN AND MAINTAIN A CERTIFICATE OF APPROVAL FROM THE **MEDICAL MARIHUANA COMMISSION**~~CITY CLERK~~;

(5) FAILURE OF THE LICENSEE OR THE MEDICAL MARIHUANA ESTABLISHMENT TO OBTAIN OR MAINTAIN A LICENSE FROM THE STATE PURSUANT TO THE MMFLA;

~~(6) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMIEND BY THE CITY TO HAVE BECOME A PUBLIC NUISANCE OR OTHERWISE IS OPERATING IN A MANNER DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE.~~

~~THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE CITY TO HAVE BECOME A PUBLIC NUISANCE.~~

(C) APPEAL OF DENIAL OF APPLICATION OR REVOCATION OF LICENSE: THE CITY CLERK SHALL NOTIFY AN APPLICANT OF THE REASON(S) FOR DENIAL OF AN APPLICATION OR REVOCATION OF A LICENSE AND PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO BE HEARD. ANY APPLICANT AGGRIEVED BY THE DENIAL OR REVOCATION OF A LICENSE UNDER THIS CHAPTER MAY APPEAL TO THE CITY CLERK, WHO SHALL APPOINT A HEARING OFFICER. SUCH APPEAL SHALL BE TAKEN BY FILING WITH THE CITY CLERK, WITHIN 14 DAYS AFTER NOTICE OF THE ACTION COMPLAINED OF HAS BEEN MAILED TO THE APPLICANT'S LAST KNOWN ADDRESS ON THE RECORDS OF THE CITY CLERK, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS FOR THE APPEAL. THE REVIEW ON APPEAL OF A DENIAL OR REVOCATION SHALL BE LIMITED TO WHETHER THERE HAS BEEN AN ABUSE OF DISCRETION IN THE DECISION OR THAT THE DECISION IS NOT

1 SUPPORTED BY MATERIAL AND COMPETENT EVIDENCE. THE FINAL AND
2 CONCLUSIVE DECISION ON APPEAL SHALL BE THE CITY COUNCIL WHO
3 SHALL RECEIVE A REPORT AND RECOMMENDATION FROM THE HEARING
4 OFFICER.

5
6 **1300.16 – PENALTIES; TEMPORARY SUSPENSION OF A LICENSE**
7

8 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A
9 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY
10 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR
11 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED
12 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE
13 REVOCATION;
14

15 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL
16 BE SUBJECT TO A CIVIL FINE AND COSTS. INCREASED CIVIL FINES MAY BE
17 IMPOSED FOR A REPEAT VIOLATION. AS USED IN THIS SECTION “REPEAT
18 VIOLATION” SHALL MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE
19 SAME REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR
20 ESTABLISHMENT WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE
21 SPECIFICALLY PROVIDED IN THIS CHAPTER OR ANY OTHER CHAPTER FOR A
22 MUNICIPAL INFRACTION, THE PENALTY SCHEDULE IS AS FOLLOWS:
23

- 24 1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;
25 2. \$750, PLUS COSTS, FOR A REPEAT VIOLATION;
26 3. \$750, PLUS COSTS, PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT
27 CONTINUES FOR MORE THAN ONE DAY.
28

29 (C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN 45
30 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS
31 OTHERWISE SPECIFIED IN THE ORDER;
32

33 (D) THE MAYOR MAY TEMPORARILY SUSPEND A MEDICAL MARIHUANA
34 ESTABLISHMENT LICENSE WITHOUT A PRIOR HEARING IF THE MAYOR FINDS
35 THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION
36 AFFECTING THE PUBLIC HEALTH, SAFETY, OR WELFARE. THE MAYOR SHALL
37 CAUSE THE TEMPORARY SUSPENSION BY ISSUING A SUSPENSION NOTICE IN
38 CONNECTION WITH INSTITUTION OF PROCEEDINGS FOR NOTICE AND A
39 HEARING;
40

41 (E) IF THE MAYOR TEMPORARILY SUSPENDS A LICENSE WITHOUT A PRIOR
42 HEARING, THE LICENSEE IS ENTITLED TO A HEARING WITHIN THIRTY (30)
43 DAYS AFTER THE SUSPENSION NOTICE HAS BEEN SERVED ON THE LICENSEE
44 OR POSTED ON THE LICENSED PREMISES. IN THE CASE OF A LICENSE ISSUED
45 FOR A MEDICAL MARIHUANA GROWER FACILITY, THE HEARING SHALL BE
46 HELD WITHIN SEVEN (7) DAYS AFTER THE NOTICE HAS BEEN SERVED ON THE

LICENSEE OR POSTED ON THE PREMISES OF THE LICENSED FACILITY. THE HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE;

(F) IF THE MAYOR DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS AFTER THE DATE THE SUSPENSION WAS SERVED ON THE LICENSEE OR POSTED ON THE LICENSED PREMISES, OR IN THE CASE OF A GROWER FACILITY SEVEN (7) DAYS, THEN THE SUSPENDED LICENSE SHALL BE AUTOMATICALLY REINSTATED AND THE SUSPENSION VACATED.

(G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED TO FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE AVAILABLE TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL PROSECUTION.

1300.17 -NO VESTED RIGHTS

A PROPERTY OWNER LESSOR, LICENSE APPLICANT, OR LICENSEE SHALL NOT HAVE VESTED RIGHTS OR NONCONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT OF THIS CHAPTER.

1300.18 –ZONING BOARD OF APPEALS

~~THE DISTANCE REQUIREMENTS UNDER THIS CHAPTER SHALL BE REVIEWABLE BY THE BOARD OF ZONING APPEALS FOLLOWING THE CRITERIA PROVIDED IN SECTION 1244.06(C).~~

(A) WHEN APPLYING FOR A LICENSE AS A PROVISIONING CENTER, AN APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF SECTION 1300.13(A)(1) MAY SEEK A VARIANCE FROM THOSE REQUIREMENTS BY SUBMITTING WITH THEIR APPLICATION A WRITTEN APPLICATION TO THE BOARD OF ZONING APPEALS AND PAYING A FEE SET BY COUNCIL RESOLUTION. UPON RECEIVING AN APPLICATION WITH AN ACCOMPANYING APPLICATION FOR A VARIANCE, THE CITY CLERK SHALL DETERMINE WHETHER THE APPLICANT HAS SUBMITTED A COMPLETE APPLICATION MEETING THE REQUIREMENTS OF SECTION 1300.5, AN APPROPRIATE NONREFUNDABLE LICENSE APPLICATION FEE, AND AN APPROPRIATE VARIANCE APPLICATION FEE. IF THE APPLICANT HAS SATISFIED THESE REQUIREMENTS AND THE APPLICANT HAS RECEIVED WRITTEN APPROVALS UNDER SECTION 1300.5(E), THE CITY CLERK SHALL IMMEDIATELY FORWARD THE APPLICATION TO THE BOARD OF ZONING APPEALS.

(1) THE APPLICATION MUST IDENTIFY ALL OF THE REASONS THE APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 1300.13(A)(2), INCLUDING, IF APPLICABLE, THE NAME AND ADDRESS OF ANY SUBSTANCE ABUSE TREATMENT, PREVENTION, OR REHABILITATION FACILITY; CHURCH OR OTHER STRUCTURE USED FOR RELIGIOUS SERVICES; PUBLIC PARK CONTAINING PUBLIC

PLAYGROUND EQUIPMENT; OR PROVISIONING CENTER THAT IS WITHIN 500 FEET OF THE APPLICANT’S LOCATION.

- (2) UPON RECEIPT OF A APPLICATION MEETING THE REQUIREMENTS OF SUBSECTION (A), THE BOARD SHALL GIVE NOTICE TO THE OCCUPANTS OF ANY RESIDENTIAL OR COMMERCIAL BUILDINGS WITHIN 500 FEET OF THE APPLICANT’S LOCATION. IF THE OCCUPANT’S NAME IS NOT KNOWN, THE TERM “OCCUPANT” MAY BE USED. THE NOTICES SHALL BE DELIVERED PERSONALLY OR BY MAIL AT THE ADDRESS GIVEN IN THE LAST ASSESSMENT ROLL.
- 3) THE BOARD OF ZONING APPEALS SHALL EITHER GRANT OR DENY THE VARIANCE WITHIN A REASONABLE TIME. IN DETERMINING WHETHER TO GRANT OR DENY THE VARIANCE, THE BOARD OF ZONING APPEALS SHALL CONSIDER ALL OF THE FOLLOWING:
- (I) THE AMOUNT OF TIME, IF ANY, THAT THE APPLICANT HAS BEEN OPERATING AT THE PRESENT LOCATION;
 - (II) THE EXTENT TO WHICH THE APPLICANT HAS DEMONSTRATED A COMMITMENT TO THE BETTERMENT OF THE NEIGHBORHOOD;
 - (III) THE DISTANCE BETWEEN THE APPLICANT’S LOCATION AND ANY RELEVANT FACILITY THAT IS WITHIN 500 FEET OF THE APPLICANT’S LOCATION.
 - (IV) THE NEED FOR A PROVISIONING CENTER AT THE LOCATION IN ORDER TO PROVIDE THE SAFE AND EFFICIENT ACCESS TO MEDICAL MARIHUANA WITHIN THE CITY;
 - (IV) THE CHARACTER OF THE STRUCTURE AND ITS SURROUNDINGS; AND
 - (VI) THE IMPACT OF THE VARIANCE ON THE CHARACTER OF THE STRUCTURE’S SURROUNDINGS AND OWNERS OF OTHER PROPERTIES IN THE VICINITY.
- (4) IF THE BOARD OF ZONING APPEALS APPROVES THE VARIANCE, THE APPLICATION SHALL IMMEDIATELY BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION.

1300.19-SUNSET

PURSUANT TO SECTION 3-307 OF THE LANSING CITY CHARTER, THIS CHAPTER SHALL EXPIRE DECEMBER 1, 2027.

1 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules,
2 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no
3 effect.

4 Section 3. Should any section, clause or phrase of this Ordinance be declared to be invalid, the
5 same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part
6 declared to be invalid.

7 Section 4. This Ordinance shall take effect on the 30th day after enactment unless given
8 immediate effect by the City Council.

1st: I would like this to be admitted

We demand a comprehensive medical marijuana ordinance, protecting all citizens. Currently we have no legal controls over an unregulated, DANGEROUS and potentially deadly situation. Today would have been our son's 30th birthday but he committed suicide in February, apparently during a psychotic episode resulting from his use of medical marijuana...and this after falsifying his medical history and too easily obtaining a medical marijuana card..

into public

Below is a copy of a note that my son sent, via email, to his brother and cousin, along with a young man's typical caution to them: : "Don't tell Mom, LOL". Notice, that he even tried to minimize his fear...stating to them that he was only having "crazy dreams probably nightmares."

record. ~~comment~~

My son said in this note: "Look into this if anything happens." Well, the worst possible outcome happened and soon after he sent this, he slit his throat; he was found Friday, February 17th 2017. We know that our David would never have done such a thing...it was totally out of character for him....he was one who didn't even like to cut up vegetables with a knife. His first, and last, psychotic incident. His obituary is attached. We will never be the same.

SE

I am here before you now and I will continue to pursue and question this unregulated and illegal prescription AND dispensing of this so called "Medical Marijuana." I will provide more scientific proof that it is absolutely irresponsible for this city or this State to legally dispense marijuana without comprehensive study of medical studies to rule out WHETHER MARIJUANA CAN CONTRIBUTE TO, OR CAUSE SCHIZOPHRENIA. Otherwise, my son's death was a senseless death. AND no other family should have to wonder "would of, should of, could of" regarding marijuana.

My son NEVER had received a diagnosis of schizophrenia, so we were oblivious to any risks he might suffer. In fact, I had never looked up the symptoms of it until after he died AND after I finally was shown his note. Even the "funny smell" he talked about, in this note, is a prominent symptom of schizophrenia.

I have also learned that there are many new scientific studies which, at minimum, question the cause and effect of Cannabis on Schizophrenia. Portions of one of those studies is attached. A major study from the National Academies of Sciences, Engineering and Medicine, released just one month and 5 days before David's suicide, The Health Effects of

Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research can be found at

<https://www.nap.edu/download/24625>

Suzanne Elms-Barclay July 10, 2017

Look into this if anything happens.
It sounds crazy though - may be crazy dreams
probably nightmares

- Neighbors
- Fart spray
- Funny smell in air
- talking from vents
- Xfinity Home watching me.
- (college) - MPC students or Mexican cartel next door or below me.
- Blackmail/stealing of money from mother.
- Neighbors hacking network
- Multiple voices, several female several males All from Monterey county.
- Compromised accounts look for money.

C.O.W.

Submittal @ mts

MORE SCIENTIFIC STUDIES are required to rule out the possibility that Cannabis is a trigger for mental illness. On June 29th, I attended a local support group for families of suicide victims. All 4 of the four families who had sons who committed suicide affirmed that all 4 of them (including my son) used marijuana. Coincidence? Or not? S.Elms-Barclay 7/10/2017

<http://www.psychiatryadvisor.com/schizophrenia-and-psychoses/cannabis-and-schizophrenia-trigger-or-treatment/article/399675/>

Cannabis and Schizophrenia: Trigger or Treatment?

February 23, 2015

The connection between cannabis use and psychiatric disorders, particularly schizophrenia, is supported by a large body of research, but the debate continues as to whether one has a more causative effect than the other.

A common argument against marijuana legalization, for example, is that the drug is associated with increased psychosis risk. Though causation has not been established, these criticisms imply that cannabis use results in [psychosis](#). It is unclear whether that is the case or if people with psychotic disorders are engaging in a form of self-medication.

Indeed, cannabis impacts the very system that research suggests has a major role in schizophrenia, the endocannabinoid system, which is involved in neurotransmission and helps to regulate functions such as sleep, cognition, emotion. The endocannabinoid system is also involved in reward processing, which recent findings suggest is deficient in patients with schizophrenia spectrum disorders.^{1,2}

The primary psychoactive component of cannabis, Δ^9 -tetrahydrocannabinol (THC), exerts its effects by binding to cannabinoid receptors in the endocannabinoid system, explained Matthijs Bossong, PhD, of the Rudolf Magnus Institute of Neuroscience at the University Medical Center Utrecht in the Netherlands. THC is one of approximately 80 different cannabinoid compounds present in cannabis, the vast majority of which do not cause intoxication.

"It has been shown that patients with schizophrenia have enhanced levels of endogenous cannabinoids as measured both in their blood and cerebrospinal fluid," and neuroimaging studies and post-mortem examinations have shown that they have increased levels of cannabinoid receptors in their brains, Bossong told *Psychiatry Advisor*.

A review that he co-authored while he was at the Institute of Psychiatry at King's College London provides further support for the involvement of the endocannabinoid system in symptoms of schizophrenia.³ "For many brain functions, such as memory, executive function and emotional processing, we found striking similarities between cannabis-intoxicated healthy volunteers" and non-intoxicated schizophrenia patients," Bossong added.

On the behavioral level, it is clear that people with schizophrenia have elevated rates of cannabis use. A small collaborative [study](#) published in September in *Schizophrenia Research*, by researchers at the Geisel School of Medicine at Dartmouth College and the Massachusetts Institute of Technology, states that up to 42% of patients with schizophrenia have comorbid cannabis-use disorder, which significantly worsens the progression of the disease.²



DAVID KIM BARCLAY

Anyone who knew David knew he was a very bright, complex, funny, and sensitive individual. He was born on July 10, 1987 in Ulsan, South Korea and placed into our arms on October 29, 1987. He departed this life on February 17, 2017 in Monterey, California.

He graduated from Lansing Catholic Central in 2005. After excelling in programming through "e pathways" at LCC, he began classes at Monterey Peninsula College in sunny California.

David was amazingly eclectic in his endeavors. At Mt. Hope Elementary School, he won multiple awards for his writings. He taught himself origami, loved drawing, playing the bagpipes, and making sculptures. He was a Black Belt in Taekwondo and had developed successful phone apps. He loved to fish but would never clean one. He loved his Corgis more than anything.

He was dearly loved by his family and many friends. We will always miss him.

He is survived by his parents Richard Barclay and Suzanne Elms-Barclay; his sister Jessica (Rogers) Torres; his brother Peter Barclay and Peter's wife, Brittney and many out-of-state relatives.

Tax-deductible donations to **Capital Region Community Foundation, 330 Marshall Street, Suite 300, Lansing, Michigan 48912, in memory of David Kim Barclay would be appreciated.** Your gifts will be used to support children in Korean orphanages and for post-adoption services and support for Korean-American adoptees. Please do not send flowers.

A gathering/pot luck event celebrating David's life will be held at Mt. Hope Elementary School, 1215 E. Mt. Hope, Lansing. Drop in from 4 – 7 pm on Saturday, April 22, 2017. Informal attire. Questions: please email elmsbarclay1@gmail.com (P.S., We may be releasing 1,000 walleye fry (less than half-inch) provided by DNR after the ceremony. Bring old shoes.)