



AGENDA
Committee on Public Safety
Wednesday, April 5, 2017 @ 3:30 p.m.
City Hall, Council Chambers

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - March 15, 2017
 - March 30, 2017
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - A.) DISCUSSION- Ordinance Draft #7 –Medical Marihuana Licensing
6. **Adjourn**



MINUTES
Committee on Public Safety
Wednesday, March 15, 2017 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:31 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Council Member Jody Washington
Jim Smiertka, City Attorney
Heather Sumner, Assistant City Attorney
Kathy Miles
Jon Miles
Elaine Womboldt
Steve Green
Tammy Stein
Elvis Ott
Brant Johnson
Sam Johnson

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MARCH 1, 2017 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Council Member Hussain offered this opportunity for public comment, asking for appropriate decorum.

No public comment.

DISCUSSION/ACTION:

ORDINANCE DRAFT #7 Medical Marihuana Licensing

Council Member Hussain asked Mr. Smiertka to provide an update on the complaints and enforcement of the recent ordinance on home occupations and KWH. Mr. Smiertka noted his office should have the forms by the end of the week, and if they receive a complaint of a

residence where it is believed their usage is over 3500 KWH, they will be asked to file a complaint with the Fire Department under Code Compliance. An inspection will then be performed. He admitted that currently the ordinance is in effect, however they will not have the process secured until the end of the week. Complaint driven issues are given to the City Attorney office, and there is a process in their office on any marihuana complaints. These complaints can be filed on the website or in person.

Council Member Hussain asked for an update on the recent Chapter 1460.49 amendment process and enforcement. Mr. Smiertka informed the Committee and public that his office, City Attorney Office, is taking "marihuana" as a full topic and any resident can file complaints to that office. Council Member Wood asked if Law had spoken to the Fire Chief on implementation of the verification of taxes and adding it to a public information brochure. Mr. Smiertka confirmed, but he did not have any information to provide at the meeting and will bring it to the next meeting.

Council Member Hussain moved into the discussion on Draft 7, noting for the public that Council Member Wood and himself had compiled questions and concerns on the changes, and provided those to Law at the last meeting. The plan of the Committee is to review the ordinance, address the compiled questions and concerns, and task Law to re-work the ordinance to make sure the will of the body is being seen and demonstrated.

Mr. Smiertka briefly outlined the background of Draft 7, stating that dealing with Acts; such as the Michigan Medical Facility Licensing Act, a license will not be issued until December from the State for the "operator" under that Act, therefore this local ordinance deals with the "facility". Under that Act; Section 205: is dealing with the local municipality, and Section 206. Lastly Mr. Smiertka asked if the Committee had gotten the Planning Board report yet, and the Committee confirmed they had not.

Council Member Hussain informed the public that the MMFLA does state in a municipality without a local ordinance, that municipality may allow for 1, none. This Committee has not been charged with regulating recreational marijuana, and the City of Lansing does not have the capacity to fill the needs of the all of Michigan. The City is providing for safe access for medical needs and address neighborhood concerns. After a discussion with State Representative Andy Schor, he stated the intent of the State law was to give control to local municipalities.

Council Member Hussain read the introduction to the Ordinance, as stated below:

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 buffering, land use and zoning requirements attendance 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.

Council Member Houghton asked Law why the ordinance and discussion was with the Committee on Public Safety since it addresses land use and zoning. Council Member Wood answered that the ordinance began in 2010 in this Committee which was assigned by the President at the time, then reassigned by the President in 2016. She pointed out that there are portions that deal with code issues, which would why it would be in the Committee Part deals with code issues, and why in the Committee on Public Safety. Council Member Houghton then asked for the report from the Planning Board. Council Member Wood recapped for Council Member Houghton that the ordinance went through this Committee and

when finalized it was sent to the Planning Board, however the City Attorney asked for 60 additional days because at that same time the State statute had passed. At the end of 2016 the Committee asked for 6a to be returned to the Committee with the City Attorney recommendations. In the beginning of 2017 the City Attorney met again with the Planning Board on their zoning recommendations and has informed this Committee those recommendations have been incorporated into Draft 7. The Committee can now determine to approve the recommendations or strike them from the draft. Mr. Smiertka confirmed he did attend the Planning Board meetings, and did incorporate their comments into Draft 7, and was not aware of a formal report.

The Committee reviewed page 1, lines 4-13 with no comments.

The Committee reviewed page 1, lines 5-42 with no comments.

The Committee reviewed page 2, lines 1-23, and determined to add "secure transporter" to line 4 after "processor facilities."

The Committee reviewed page 2, lines 25-45 with no comments.

The Committee reviewed page 3, lines 1-22. Council Member Houghton asked about the process for the licensing and which license would come first the State or the City. Council Member Hussain clarified to Council Member Houghton that the City Attorney at the past meetings had stated for someone to get a City license they will need the State license first. Mr. Smiertka added that the same question is still being asked at the conferences he has been attending on the subject. He admitted that at this time, his recommendation would be that the City will have to issue a provisional license pending a State license. That license would not be permanent and would be subject to issues of the State license. Council Member Wood asked if it would be similar to liquor licenses, and Mr. Smiertka admitted that was an appropriate analogy.

The Committee reviewed page 3, lines 24-46. Council Member Wood referred to lines 33-34 which is a new definition on "Buffered Use", and why it was added. Mr. Smiertka stated during the time of review he performed he looked at other ordinances from other cities, and they addressed "buffering" as a definition and style in zoning ordinances.

The Committee reviewed page 4, lines 1-24 which included two changes; one adding the definition for "Church" and secondly the elimination of "Commission" which was in Draft 6a. Council Member Wood asked Law to explain where the proposed definition for "Church" came from. Mr. Smiertka answered that this ordinance is a regulatory ordinance, and being such there should be a vagueness of the language otherwise it could be challenged. It was added that most of the proposed definitions were from other Acts.

Council Member Wood referenced line 12 and asked the question on how this would define a church where they might not have a pastor or has a visiting pastor. Mr. Smiertka clarified that "clergy" refers to the function, and which he took from the definitions in the Liquor Control Act. After further discussion on the vacancy of the position, the Committee agreed to remove "with which a clergyman is associated and" from line 12.

The Committee reviewed page 4, lines 26-44. The question was asked if someone gets a 1099 are they considered an employee per the definition in lines 32-38. Mr. Smiertka acknowledged that a 1099 is a contract employee and is still an individual employee for wages. The Committee agreed to add "or under contract, and" after "or profit" in line 34.

The Committee reviewed page 5, lines 1-20 with no comments.

The Committee reviewed page 5, lines 22-36. Council Member Wood asked for clarification on the "infusion" process. Ms. Sumner stated the infusion butane is different than this, because that is a fire hazard. Council Member Wood asked if that can be addressed with a note in the ordinance. Mr. Smiertka stated the definition on "Marihuana- Infused Product" came from the Medical Marihuana Facilities Licensing Act. The only thing not included in this Act is for the purpose of the food law.

Mr. Smiertka pointed out to the Committee that line 44 of page 5 also speaks to the "transporter" that was added to the introduction.

The Committee reviewed page 6, line 1-28 with no comments.

The Committee reviewed page 6, lines 32-46, where Council Member Hussain asked Mr. Smiertka to explain the distinction between a park and a public playground. Mr. Smiertka encouraged the Committee not to look at the definition in isolation, that the addition of playground equipment defines a school. He noted that during the review by the Planning Board they did not like the number of locations available, so it was determined to do an exercise using a different measurement as in the Medical Marijuana Act. Council Member Wood asked Mr. Smiertka to refer to the Planning Board as a “board” for clarification, and also reminded the Committee that their comments are recommendations, but Council does not have to agree. The term “park” has been adopted and used in the Master Plan and Park Master Plan.

The Committee reviewed page 7, lines 1-10. Council Member Hussain and Council Member Wood spoke in support of the removal of lines 4-10 which was the definition of “Public Playground Equipment”. The distance is based on if the park has park equipment, however over time some parks have equipment and if not maintained the equipment is removed. Then there may be funding in later years to put the equipment back in the park. The Committee made not to return to this definition after complete review of the ordinance. Mr. Smiertka noted that the definition would only be applicable in the “buffering” section at the end of the ordinance.

The Committee reviewed page 7, lines 12-26 with no comments.

The Committee reviewed page 7, lines 28-32, the definition for “School” and the Committee agreed to add “Pre-K” after the word “grades” in line 30 and remove the word “kindergarten” in the same line.

The Committee reviewed page 7, lines 34-45 with no comments.

The Committee reviewed page 8, lines 1-8 with no comments.

The Committee reviewed page 9, lines 9, “Section 1300.3 Reserved” at which Council Member Wood asked if this was where the “Commission” was listed in Draft 6a, and if it would be added back in if it was chosen. Mr. Smiertka stated that the “Commission” was taken out because there is a Licensing Board with all the abilities to regulate the operator of the facility at the State level, and a State regulatory commission at the State. This is up for Committee consideration.

The Committee reviewed page 9, which Mr. Smiertka highlighted the changes. He noted that most of the changes in the ordinance Draft 7 are based off research of best Practices from other places and style from other ordinances. Council Member Hussain stated that some sections will not have any questions from the Committee because there is understanding the language is strengthening what was already in other drafts.

The Committee reviewed page 9, lines 1-12 with no comments.

The Committee reviewed page 9, lines 13-45, Section 1300.5. Council Member Houghton asked Mr. Smiertka if the City Clerk will have a check off list when they issue the license. Mr. Smiertka acknowledged he was still in the process of working with the City Clerk to develop items like the check list and the inspection form similar to other business licenses.

The Committee reviewed page 10 and the only change, which was the addition of “every” on line 15.

The Committee reviewed page 11, lines 1-38 with no comments.

The Committee reviewed page 11, lines 40-45 and Mr. Smiertka referred the Committee to Section 1300.13.

The Committee reviewed page 12, lines 1-20 which were identical to Draft 6a.

The Committee reviewed page 12, lines 22-27, and Law was asked why they took out the language “in no event less than twenty-five (\$25,000) thousand dollars in immediately available funds”. Mr. Smiertka explained they did not want to pick a number that has no bearing, but wanted it to state something that says the business wants to operate. He noted that in the section reflecting the City Clerk’s role, the Clerk can hire an employee or an outside business to investigate the capital of the entity. The MMA does not have an exact number in it either.

The Committee reviewed page 12, lines 29-33 which reflected Draft 6a.

The Committee reviewed page 12, lines 35-46 and page 13 lines 1-10 with no comments.

The Committee reviewed page 13, lines 12-37 with no comments.

The Committee reviewed page 13, lines 39-46, which Mr. Smiertka stated is standard in all contracts.

The Committee reviewed page 14, line 1-24 with no comments.

The Committee reviewed page 4, lines 26-46 and the consensus of the Committee was to remove "medical marihuana commission" from line 27, correct "1300.18" in line 26 to "1300.17" and correct it also in line 39.

The Committee reviewed page 15, line 1-10 and agreed to remove lines 6-9 which was item (F).

The Committee reviewed page 15, line 11-21, and after a discussion on time lines, required allotted time for departments to report, and potential policies, the consensus was to reconsider this section later for further discussion.

The Committee reviewed page 15, lines 22-46 with no comments.

The Committee reviewed page 16, lines 1-21 which Mr. Smiertka stated ties together with similar language for the evaluation.

The review stopped at the beginning of Section 1300.7, and the discussion will pick up at that Section at the next meeting.

Council Member Hussain determined the next Committee meeting would be April 5, 2017. He did add that there will be a special Committee meeting on Thursday, March 30th at 6 p.m. at 3200 S. Washington with the only agenda item being that property.

Council Member Wood recapped from the last meeting on this subject a question on revocation of the license and cease of operation, and what that would mean to a grower. She asked Law to look into that question since if the grower was asked to cease, they could lose their corp. Mr. Smiertka stated that on suspension provisions, they could provide due process by providing a hearing within a short period of time, and do before any action is taken, or eliminate for growers.

PUBLIC COMMENT

Ms. Womboldt spoke in opposition to Draft 7, and voiced her concerns with the Planning Board and their concern for having enough space for the medical marihuana sites.

Mr. Green spoke in support of the diligent work the Committee has done, and asked the Committee why they were looking at medical marihuana uses different then a pharmacy.

Mr. Johnson acknowledge the Committee for their work, questioned why the topic was at the Public Safety Committee , and asked the Committee to review page 5, line 8 which lists "seeds" in the definition, however the MMA specifications spell out that seeds are not medical marihuana. Mr. Johnson concluded stating his opinion that the Committee was segregating the medical marihuana uses.

Mr. Smiertka replied to Mr. Johnson question on the "seeds" stating that definition was from the Michigan Health Code.

Other

No other topics.

ADJOURN

The meeting was adjourned 4:55 p.m.

Submitted by, Sherrie Boak,

Recording Secretary
Lansing City Council
Approved: _____



MINUTES
Committee on Public Safety
Thursday, March 30, 2017 @ 6:00 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 6:00 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair

Councilmember Carol Wood, Vice Chair

Councilmember Tina Houghton, Member-arrived at 6:07p.m. left at 7:02 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff

Tony Baltimore, LHC Board Member

Martell Armstrong, Director for LHC

Edward Forrest, LHC Site Manager

Officers Trevor Arnold, LPD Community Policing Officer

Mark Dotson, Deputy City Attorney

Heather Sumner, Assistant City Attorney

Council Member Jody Washington

Nancy Diawara, Ingham County Health Department

Sara Leary, Community Mental Health

Jo Meade

Jaime Gonzalez

Crystal Williams

Jearline Love

R. Parkhurst

Brian Westen

Don "Moose" Sober, Resident Council President

Debra Gomez

Lorraine Bonham

Guillermo Lopez

Amy, Resident

Lorraine, Resident

Kathy Miles

Mary Ann Prince

Council Member Hussain explained to the public that there could be the potential for a quorum of Council to be present, and then referred the explanation to Ms. Sumner. Ms. Sumner stated that if they achieve five (5) members of Council, they will need to stop the meeting

briefly, and ask for any non-committee members to leave, with the last one in the door leaving first. Council Member Hussain asked if they could sit in the room with no deliberation or discussion. Ms. Sumner stated she would prefer to error on the side of caution, to avoid any violations of the open meeting act, stating her opinion that being in room is considered deliberation. Council Member Wood stated to the public that if they see other Council Members arrive it is because they want to participate but will not be able to. Mr. Dotson added to the legal opinion that Committee members should not communicate with other Council via text or cell calls during the meeting because it would be considered part of the meeting.

Council Member Hussain began the discussions by acknowledging Mr. Baltimore with the LHC and Mr. Armstrong the new Director for attending and participating. The residents were acknowledged for their participation and attendance. Council Member Hussain then lead into a brief overview of the issues in the past on the site with public safety, bedbugs, perceived issues with management and residents. He stated the goal for this meeting was to continue the conversation and determine where at and where to go from here.

Mr. Armstrong gave a brief introduction and goals for 3200 S Washington making strides thus far and progress to achieve. He stated his goal to reinvest into the residents for a clean and safe environment, encourage residents to call and email him, and he stated he would leave cards for them.

Officer Arnold recapped for the Committee and the residents the last 9 months on the site as Community Policing and the strategies he has used. He stated his goal was to earn the trust of residents so they feel comfortable to come to him. Council Member Hussain asked the time frame of his assignment at the property and how much more time had. Officer Arnold confirmed it was a 3-year assignment and he still had 2 more years. Council Member Hussain recognized the LPD and Officer Arnold for the efforts they have made so far, and the work that occurs when they are on site, but asked him what happens when they are not on site, and what that plan is. Officer Arnold confirmed that the LHC has provided them with an office on site, and he is working with his IT to set up all the reporting programs they need. During the weekends, he does track the call history so he can speak to the residents, noting the majority of the calls are noise complaints. He is pursuing working with the LPD substation and getting assistance for more visits from officers on site. Council Member Wood asked if his schedule is set of flexible, and Officer Arnold confirmed it is flexible.

Council Member Houghton asked if there was a manager on site 24/7, and Council Member Hussain updated her noting that there are not, however the residents have an after-hour emergency number, and non-emergency police number. There is no night or weekend manager. Council Member Houghton asked if that would be an option. Council Member Hussain acknowledged that was a discussion in the past and that the new director, Mr. Armstrong was considering it.

Council Member Hussain informed Officer Arnold that at the last meeting in 2016 a resident had stated there were some efficiency apartments that had up to 5 people in it, and asked if there were sweeps being performed. Officer Arnold confirmed he had not done any kind of sweep.

Council Member Wood stated that she had heard that there is an up-tick in calls for service in areas where there is Community Policing because the residents feel comfortable to call, therefore she asked if that was happening on this site. Officer Arnold did research that for this site, and noticed the majority of the calls were from officers walking through the building. He added that there has been a 46% decrease in crime in the building since the same time last year.

Council Member Hussain asked for an update on the onsite cameras, and if they had been installed if they had seen a change. Mr. Armstrong confirmed the cameras are in and the whole building has been wired. Mr. Forrest confirmed, and Officer Arnold stated he uses them daily, and the entire LPD has access to them.

Council Member Wood asked for an update on the access ID swipe cards. Mr. Armstrong stated they are forthcoming and they are working on the photo id. Council Member Wood asked if they are posting the pictures of those cited for no-trespassing. Officer Arnold acknowledged it was not posted, but they are using the camera to match up photos to the list and sending to the City Attorney office for trespassing charges.

Council Member Hussain recapped the 2016 discussion on dead bolt locks for the apartments and asked for an update, since LHC stated they would purchase them, however there was no update provided on the contractor to install them. Council Member Wood stated that she had reached out to the Labor Council and they had agreed to install them, but she was not aware of their time line, so she stated she would follow up with them on their progress.

Council Member Hussain asked Mr. Armstrong for an update on staffing. Mr. Armstrong admitted he had not analyzed the staffing since he started the job in February, however the LHC is recognizing funding cuts from the Federal government, so it would be hard to predict what will happen with staffing. In terms of global staffing, the LHC needs one more position filled.

Council Member Hussain moved the discussion to the complaints on bed bugs and commercial dryers. The Committee was informed that BWL had been on site and the wiring is appropriate for commercial dryers. Mr. Armstrong confirmed the dryers were installed and working. A resident on site confirmed. Council Member Hussain asked if they have noticed a difference and Mr. Armstrong stated that has not an audience with the residents, but hopes to do so soon.

Mr. Sober confirmed there has been bedbug education provided and the changes are helping. Eradico also came in and did seminars. The residents as for Eradico to come in more often.

Council Member Hussain asked the LHC for an update on the boiler systems, because past complaints from residents were that their units were not warm and they were using their stoves. Mr. Forrest admitted they did perform repairs to the existing system because the cost of \$1.8 million to replace it. Any unit that complains, they are taking a thermal thermometer to take measurement in the units. With this practice, they found (11) units where low and the thermostat was not up completely and with the age of the building it needs to be. Council Member Wood asked if they had worked with BWL and Consumers on energy audits. Mr. Forrest acknowledge both of those entities had been cooperative in visiting.

A resident complained about the windows that were installed and their lack of being able to keep the heat in.

Council Member Hussain acknowledged the LHC for their efforts and understands their challenge.

Council Member Hussain asked Mr. Armstrong for an update on the establishment of 2 keys per unit to prevent the lock outs and the residents from paying \$50 for maintenance to get them in. Mr. Armstrong admitted he was not aware of that and he would consider it.

Council Member Hussain asked if there was any additional training provided to the Resident Counsel other than the initial training from the League of Michigan Voters. At earlier meetings in 2016 it was suggested the LHC provided mentors to the Counsel. Mr. Armstrong informed the Committee that they, the Resident Counsel, recently held an election so he was not aware of a regular meeting schedule but they are moving towards that. There has also been discussion on working with outside groups on By-Laws, rules and meetings in nature.

Council Member Wood asked Mr. Dotson for assistance to the Council from the Cooley Law School. Mr. Dotson confirmed it would be possible.

Mr. Baltimore confirmed the LHC is committed to helping the Resident Council, and once they have their regular meetings set they will lend support.

Mr. Sober informed the Committee that the original council from 2016 broke down, however with some guidance they put it back together and held new election of officers on March 30th. They still must fill 3 floor representative vacancies, but are moving in the correct direction. Mr. Sober confirmed an earlier statement that the LHC management has offered their assistance.

Council Member Hussain informed the residents that he has spoken to Peter Spadafore with Lansing School District about the potential for onsite GED programming, and reached out to Mr. Lopez at this meeting also. The residents asked for the programming to occur on this site because they would make arrangements for those that need daycare also. It was confirmed a signup sheet has already been started for GED interest.

Council Member Washington stated she was working on providing on site computers at this site and Turner Street, working with Closing the Digital Gap.

A resident stated that the residents have been working with Dart Bank on credit repair programs. Council Member Houghton encouraged them to also invite the Financial Empowerment Center in for assistance also.

Ms. Leary informed the group that Community Mental Health used to provide residents checks in the past at this location, however the funding from LHC ended in 2011. The CMH is currently however develop mobile positions to assist in the future. Currently she stated they do have eligible staff that go off site and help people access health insurance coverage. They also offer access staff, who can assist someone who wants to learn more about CMH services, and if they cannot assist them they provide referrals. The CMH is looking at making them mobile with possible off site services.

Ms. Prince asked if the CMH services were free. Ms. Leary answered that the main funders are Medicaid and Medicare. There are specialty services through the mental health code that CMH is required to serve with funding through the Federal and State governments.

A resident asked if CMH places participants at 3200 S. Washington, and if so do they do follow ups. Ms. Leary informed the residents that if they have a concern on a resident notify the manager ASAP and they will then contact CMH for a check to see if they were placed on location by CMH, and if so they will send someone out. Mr. Armstrong asked if they have a mobile crisis center, and Ms. Leary referred to their crisis unit on Jolly Road. The resident then asked if CMH does a background check before they place anyone in 3200 S. Washington, and Ms. Leary assured her CMH is invested in finding the best placement for consumers. Mr. Forrest supported Ms. Leary by acknowledging that CMH is a partner with LHC, and LHC has been able to reach out to CMH to come into the building and visit people on regular basis.

Council Member Wood made note to the residents that the City Council will begin looking at the upcoming budget, and that the HRCS Department has funds in in their general fund set aside for programming, so the Council will be looking at funding for CMH or a partnership with the Lansing School District for GED classes.

Ms. Diawara with the Ingham County Health Department spoke on assistance that the Health Department can offer with health education, assistance with obtaining health care and Medicare. They also assist with making health, dental and vision appointments. Ms. Diawara offered pamphlets for the residents. Council Member Hussain asked if they do monthly health screenings. Ms. Diawara stated she would check into that option, and provide it to Mr. Sober for the resident newsletter. Lastly, Ms. Diawara spoke on the mobile health buses in 18 locations, and the residents inquired as to including 3200 S. Washington into one of those locations. Ms. Diawara stated she would check into that also.

PUBLIC COMMENT

Ms. Prince spoke on a bed bug infestation at another location.

Ms. Williams filed a verbal complaint on the issue with residents smoking in what is supposed to be a non-smoking residential site. Mr. Armstrong stated they are aware of the situation, and anyone who smokes needs to be 25' away from the building. Any issues the residents have on smoking should be reported immediately to Mr. Forrest the manager on site. Mr. Forrest state they have been made aware of the situation and have addressed it with the resident giving him the 30-day violation notice. He added even with a medical marihuana card they cannot smoke on site.

Council Member Hussain recapped the progress made so far on the site, and the steps still to be taken. Council Member Wood will make contact again with the Labor Council for installation of the dead bolt locks, Eradico will be asked to come to the Resident Council's quarterly meetings, LHC and Mr. Armstrong will continue to work on photo ID cards and a 2-key system, and Community Mental Health and the Health Department will have ongoing discussions with the residents. Mr. Dotson will work with the LHC and Cooley Law School for mentoring programs for the Council.

Council Member Hussain asked Council Member Wood (Council Member Houghton had already left) about a joint meeting with the Lansing City Council and the Lansing Housing Commission. Council Member Wood stated she would be open to a discussion on the potential after the budget season at the end of May, so Council would know what the potential options would be on funding assistance.

Council Member Hussain asked Council Member Wood about another Committee meeting at 3200 S. Washington in the future. Council Member Wood suggested it would be a consideration of the Committee and the Resident Council.

ADJOURN

The meeting was adjourned 7:28 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: _____

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 BUFFERING, 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 Reserved
- 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 and a Medical Marihuana Safety Compliance Facility
- 1300.13 Location Buffering, Dispersion, and Zoning Requirements for Medical Marihuana Establishments.
- 1300.14 Denial and Revocation.
- 1300.15 Penalties.
- 1300.16 No Vested Rights.
- 1300.17 Zoning Board of Appeals.
- 1300.18 Sunset.

1300.1 –LEGISLATIVE INTENT.

THE PURPOSE OF THIS CHAPTER IS TO EXERCISE THE POLICE, REGULATORY, AND LAND USE POWERS OF THE CITY OF LANSING BY

LICENSING AND REGULATING MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA **SAFETY** COMPLIANCE FACILITIES, AND MEDICAL MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING; AND, AS SUCH, THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

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

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

1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.

FOR THE PURPOSES OF THIS CHAPTER:

(A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET. SEQ., AS AMENDED (“MMMA”), **OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.27101 ET. SEQ. (“MMFLA”)** SHALL HAVE THE DEFINITION PROVIDED IN THOSE STATUTES, AS APPLICABLE. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS CHAPTER CONFLICTS WITH THE DEFINITION IN THE MMMA OR MMFLA, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA **OR MMFLA**, THEN THE DEFINITION IN THE MMMA OR **MMFLA**, SHALL APPLY.

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

(C) THIS CHAPTER SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S RIGHTS UNDER THE MMMA. THE MMMA SUPERSEDES THIS CHAPTER WHERE THERE IS A CONFLICT BETWEEN THEM AND THE IMMUNITIES AND PROTECTIONS ESTABLISHED IN THE MMMA **UNLESS SUPERSEDED OR PREEMPTED BY THE MMFLA.**

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

10
11 (E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE
12 CULTIVATION OR PROCESSING OF MEDICAL MARIHUANA INTO A USABLE
13 FORM, OR THE DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING
14 OF MEDICAL MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF
15 THIS CHAPTER BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET
16 FORTH IN THIS CHAPTER SHALL BE DEEMED TO NOT BE A LEGALLY
17 ESTABLISHED USE AND THEREFORE NOT ENTITLED TO LEGAL
18 NONCONFORMING STATUS UNDER THE PROVISIONS OF THIS CHAPTER
19 AND AND/OR STATE LAW. THE CITY FINDS AND DETERMINES THAT IT HAS
20 NOT HERETOFORE AUTHORIZED OR LICENSED THE EXISTENCE OF ANY
21 MEDICAL MARIHUANA ESTABLISHMENT, AS DEFINED HEREIN, IN THE
22 CITY.

23
24 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

25
26 "APPLICATION" MEANS AN APPLICATION FOR A LICENSE PURSUANT TO
27 THE TERMS AND CONDITIONS SET FORTH IN SECTIONS 1300.5 AND 1300.6.

28
29 "APPLICATION FOR A LICENSE RENEWAL" MEANS AN APPLICATION
30 FOR A LICENSE RENEWAL PURSUANT TO THE TERMS AND CONDITIONS OF
31 SECTION 1300.7.

32
33 "BUFFERED USE" MEANS A USE SUBJECT TO THE BUFFERING AND
34 DISPERSION REQUIREMENTS OF SECTIONS 1300.13 (A) AND 1300.13 (E).

35
36 "BUILDING" MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING
37 A ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED
38 FOR SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY
39 PORTION OF A STRUCTURE IS COMPLETELY SEPARATED FROM EVERY
40 OTHER PART BY DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT
41 OPENINGS, EACH PORTION OF SUCH STRUCTURE SHALL BE DEEMED A
42 SEPARATE STRUCTURE, REGARDLESS OF WHETHER THE PORTIONS OF
43 SUCH STRUCTURE SHARE COMMON PIPES, DUCTS, BOILERS, TANKS,
44 FURNACES, OR OTHER SUCH SYSTEMS. THIS DEFINITION REFERS ONLY TO
45 PERMANENT STRUCTURES, AND DOES NOT INCLUDE TENTS, SHEDS,
46 GREENHOUSES AND PRIVATE GARAGES ON RESIDENTIAL PROPERTY,

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

6
7 “CHAPTER” MEANS THIS CHAPTER 1300.

8
9 “CHURCH” MEANS AN ENTIRE BUILDING SET APART PRIMARILY FOR
10 PURPOSES OF PUBLIC WORSHIP, AND WHICH IS TAX EXEMPT UNDER THE
11 LAWS OF THIS STATE, AND IN WHICH RELIGIOUS SERVICES ARE HELD AND
12 WITH WHICH A CLERGYMAN IS ASSOCIATED, AND THE ENTIRE BUILDING
13 STRUCTURE OF WHICH IS KEPT FOR THAT USE AND NOT PUT TO ANY
14 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 ORDINANCE MEANS:
22 (1) ALL PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST; OR
23 (2) PREPARING, PACKAGING OR REPACKAGING, LABELING, OR
24 RELABELING OF ANY FORM OF MARIHUANA.

25
26 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN
27 INDIVIDUAL INELIGIBLE TO SERVE AS A REGISTERED PRIMARY
28 CAREGIVER UNDER THE MMMA OR OTHER APPLICABLE STATE LAW, OR
29 TO BE A GRANTEE OR HOLDER OF AN OPERATOR’S LICENSE UNDER THE
30 MMFLA.

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

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

1 “LICENSE APPLICATION” MEANS AN APPLICATION SUBMITTED FOR A
2 LICENSE PURSUANT TO THE REQUIREMENTS AND PROCEDURES SET
3 FORTH IN SECTIONS 1300.5 AND 1300.6.

4
5 “LICENSEE” MEANS A PERSON ISSUED A LICENSE FOR AN
6 ESTABLISHMENT PURSUANT TO THIS CHAPTER.

7
8 “MARIHUANA” MEANS ALL PARTS OF THE PLANT CANNABIS, WHETHER
9 GROWING OR NOT; THE SEEDS THEREOF; THE RESIN EXTRACTED FROM
10 ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT,
11 DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR
12 RESIN. THE TERM DOES NOT INCLUDE:

- 13 1. THE MATURE STALKS OF THE PLANT;
- 14 2. FIBER PRODUCED FROM THE MATURE STALKS OF THE PLANT;
- 15 3. OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT;
- 16 4. ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
17 MIXTURE, OR PREPARATION OF THE MATURE STALKS (EXCEPT THE
18 RESIN EXTRACTED THEREFROM), FIBER, OIL, OR CAKE; OR
- 19 5. THE STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF
20 GERMINATION.

21
22 “MARIHUANA-INFUSED PRODUCT” MEANS A TOPICAL FORMULATION,
23 TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT
24 CONTAINING ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN
25 CONSUMPTION IN A MANNER OTHER THAN SMOKE INHALATION.

26
27 “MARIHUANA TRACKING ACT” OR “MTA” MEANS MICHIGAN PUBLIC
28 ACT 282 OF 2016.

29
30 “MEDICAL MARIHUANA” MEANS ANY MARIHUANA INTENDED FOR
31 MEDICAL USE THAT MEETS ALL DESCRIPTIONS AND REQUIREMENTS FOR
32 MEDICAL MARIHUANA CONTAINED IN THE MMMA, THE MMFLA, AND ANY
33 OTHER APPLICABLE LAW.

34
35 “MEDICAL MARIHUANA FACILITIES LICENSING ACT,” (“MMFLA”)
36 MEANS PUBLIC ACT 281 OF 2016, MCL 333.27101 ET. SEQ.

37
38 “MEDICAL MARIHUANA ESTABLISHMENT, OR “ESTABLISHMENT,”
39 MEANS ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS
40 REQUIRED TO BE LICENSED UNDER THIS CHAPTER AND POSSESSES A
41 LICENSE TO OPERATE UNDER THE MMFLA, INCLUDING A MEDICAL
42 MARIHUANA PROVISIONING CENTER, **OR** A MEDICAL MARIHUANA
43 GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR FACILITY, A
44 MEDICAL MARIHUANA SECURE TRANSPORTER, AND A MEDICAL
45 MARIHUANA SAFETY COMPLIANCE FACILITY.

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

8
9 “MEDICAL MARIHUANA LICENSING BOARD” MEANS THAT CERTAIN
10 BOARD ESTABLISHED PURSUANT TO THE MMFLA.

11
12 “MEDICAL MARIHUANA PROVISIONING CENTER,” MEANS A
13 COMMERCIAL OR BUSINESS ENTITY LOCATED IN THE CITY THAT IS
14 LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS
15 LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF
16 THIS CHAPTER, THAT SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO
17 REGISTERED QUALIFYING PATIENTS, ONLY AS PERMITTED BY STATE LAW.
18 MEDICAL MARIHUANA PROVISIONING CENTER, AS DEFINED IN THE
19 MMFLA, INCLUDES ANY COMMERCIAL PROPERTY OR BUSINESS WHERE
20 MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND
21 REGULATION. A NONCOMMERCIAL OR NONBUSINESS LOCATION USED BY
22 A PRIMARY CAREGIVER TO ASSIST QUALIFYING PATIENTS, AS DEFINED IN
23 THE MMMA, CONNECTED TO THE CAREGIVER THROUGH THE STATE’S
24 MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA
25 IS NOT A MEDICAL MARIHUANA PROVISIONING CENTER FOR PURPOSES OF
26 THIS CHAPTER.

27
28 “MMMA” MEANS THE MICHIGAN MEDICAL MARIHUANA ACT, AS
29 AMENDED, AT MCL 333.26421.

30
31
32 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

33
34 “PARK” MEANS AN AREA OF LAND DESIGNATED BY THE CITY AS A
35 PARK ON ITS MASTER PLAN OR ON A COUNCIL-APPROVED LIST OF CITY
36 PARKS.

37
38 “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
39 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
40 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

41
42 “PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY”
43 MEANS A COMMERCIAL OR BUSINESS ENTITY LOCATED IN THE CITY THAT
44 IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND
45 IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF
46 THIS CHAPTER, THAT EXTRACTS RESIN FROM THE MARIHUANA OR

1 CREATES A MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED
2 BY STATE LAW.

3
4 “PUBLIC PLAYGROUND EQUIPMENT” MEANS AN OUTDOOR FACILITY,
5 GROUPING, OR CONCENTRATION OPEN TO THE PUBLIC AND ON PUBLIC
6 PROPERTY AND CONTAINING THREE OR MORE APPARATUS, INCLUDING,
7 BUT NOT LIMITED TO, SLIDES, CLIMBERS, SEESAWS, AND SWINGS,
8 DESIGNED FOR THE RECREATIONAL USE OF CHILDREN AND OWNED AND
9 OPERATED BY A LOCAL UNIT OF GOVERNMENT, SCHOOL DISTRICT, OR
10 OTHER UNIT OR AGENCY OF GOVERNMENT,

11
12 “RESTRICTED/LIMITED ACCESS AREA” MEANS A BUILDING, ROOM OR
13 OTHER AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS
14 GOVERNED BY THE MMMA, THE MMFLA, OR OTHER APPLICABLE STATE
15 LAW.

16
17 “SAFETY COMPLIANCE FACILITY” OR “MEDICAL MARIHUANA SAFETY
18 COMPLIANCE FACILITY” MEANS A COMMERCIAL OR BUSINESS ENTITY
19 LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE
20 PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO
21 THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT RECEIVES
22 MARIHUANA FROM A MEDICAL MARIHUANA ESTABLISHMENT OR A
23 REGISTERED QUALIFYING PATIENT OR A REGISTERED PRIMARY
24 CAREGIVER, AND TESTS IT FOR CONTAMINANTS AND FOR
25 TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANCE
26 WITH STATE LAW.

27
28 “SCHOOL” MEANS AND INCLUDES BUILDINGS USED FOR SCHOOL
29 PURPOSES TO PROVIDE INSTRUCTION TO CHILDREN AND YOUTH IN
30 GRADES KINDERGARTEN THROUGH 12 WHEN THAT INSTRUCTION IS
31 PROVIDED BY A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL
32 SCHOOL.

33
34 “SECURE TRANSPORTER” OR “MEDICAL MARIHUANA SECURE
35 TRANSPORTER” MEANS A COMMERCIAL OR BUSINESS ENTITY THAT IS
36 LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS
37 LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF
38 THIS CHAPTER, THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA
39 BETWEEN MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN
40 ACCORDANCE WITH STATE LAW.

41
42 “STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE
43 BENEFICIARIES, WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE
44 MANAGERS OR MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER
45 PROFIT OR NON-PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS,

1 AND WITH RESPECT TO A PARTNERSHIP OR LIMITED LIABILITY
2 PARTNERSHIP, THE PARTNERS, BOTH GENERAL AND LIMITED.

3
4 “STATE” MEANS THE STATE OF MICHIGAN.

5
6 (G) ANY TERM DEFINED BY THE MMMA, THE MMFLA, OR THE MTA AND
7 NOT DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITION GIVEN IN
8 THE MMMA, MMFLA, OR MTA, AS APPLICABLE.

9 **1300.3 - RESERVED**

10
11 **1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**

12
13 (A) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE OPERATION
14 OF A MEDICAL MARIHUANA ESTABLISHMENT BUSINESS IN THE CITY
15 UNLESS SUCH PERSON HAS OBTAINED A LICENSE FROM THE CITY TO
16 DO SO FOR EACH LOCATION. THE LICENSE SHALL BE DESIGNATED AS A
17 MEDICAL MARIHUANA BUSINESS LICENSE. EVERY MEDICAL
18 MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING SHALL BE
19 LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN
20 THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(b), NO
21 PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN
22 THE CITY WITHOUT FIRST OBTAINING A LICENSE FOR THE MEDICAL
23 MARIHUANA ESTABLISHMENT FROM THE CITY CLERK. A MEDICAL
24 MARIHUANA ESTABLISHMENT OPERATING WITHOUT A LICENSE
25 UNDER THE PROVISIONS OF THIS CHAPTER IS DEEMED A PUBLIC
26 NUISANCE.

27
28 (B) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON
29 THE EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF
30 THE CITY’S MORATORIUM ON STARTING NEW OPERATIONS (CITY
31 ORDINANCE 1202), IS OPERATING IN ACCORDANCE WITH LAW,
32 INCLUDING BUT NOT LIMITED TO, THE MMMA, MAY CONTINUE TO
33 OPERATE DURING THE CITY’S APPLICATION SUBMISSION AND REVIEW
34 PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, IF IT SUBMITS
35 ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE EFFECTIVE
36 DATE OF THIS CHAPTER AND SUBMITS ITS APPLICATION TO THE STATE
37 FOR AN OPERATING LICENSE UNDER MMFLA WITHIN THIRTY DAYS
38 AFTER THE DATE THE STATE BEGINS ACCEPTING SUCH APPLICATIONS;
39 PROVIDED, HOWEVER, THAT IT HAS NOT BEEN NOTIFIED BY THE CITY
40 CLERK THAT IT WOULD NOT BE RECEIVING A LICENSE OR THAT ITS
41 APPLICATION WOULD NOT BE SUBMITTED TO THE COMMISSION FOR
42 CONSIDERATION PURSUANT TO SECTIONS 1300.5 (E) AND (F). ONCE A
43 MEDICAL MARIHUANA ESTABLISHMENT IS NOTIFIED BY THE CITY
44 CLERK THAT IT WILL NOT RECEIVE A LICENSE, OR IS NOTIFIED BY THE
45 CLERK THAT ITS APPLICATION WILL NOT BE SUBMITTED TO THE

1 COMMISSION FOR CONSIDERATION, OR IS NOTIFIED THAT THE STATE
2 HAS REJECTED THE PROPOSED LOCATION AND/OR OPERATOR FOR A
3 LICENSE TO OPERATE UNDER THE MMFLA, ANY AND ALL PERSONS
4 OPERATING THE MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE
5 OPERATIONS WITHIN 30 CALENDAR DAYS FROM THE DATE OF ANY OF
6 THE FOREGOING NOTIFICATIONS.

7
8 (C) THE CITY CLERK SHALL ISSUE A NEW LICENSE FOR A MEDICAL
9 MARIHUANA ESTABLISHMENT ONLY AFTER THE CITY CLERK
10 DETERMINES THAT THE APPLICATION AND PROPOSED FACILITY ARE IN
11 COMPLIANCE WITH THE TERMS, CONDITIONS, AND PROVISIONS OF
12 THIS CHAPTER. THE TERM OF EACH LICENSE SHALL BE ONE YEAR.

13
14 **1300.5– LICENSE APPLICATION SUBMISSION.**

15
16 (A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED
17 BY THE CITY. LICENSES ARE LIMITED TO A PERSON AS APPLICANT WHO
18 HAS BEEN ISSUED A LICENSE TO OPERATE AT THE PROPOSED
19 LOCATION BY THE STATE PURSUANT TO THE MMFLA. APPLICATIONS
20 FOR A LICENSE SHALL BE MADE IN WRITING TO THE CITY CLERK. ALL
21 APPLICATIONS SUBMITTED TO THE CITY CLERK SHALL BE
22 CONSIDERED FOR THE ISSUANCE OF A LICENSE.

23
24 (B) A COMPLETED APPLICATION FOR A LICENSE REQUIRED BY THIS
25 CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE
26 CITY, SHALL BE CONSISTENT WITH THE APPLICATION FILED WITH THE
27 STATE PURSUANT TO MMFLA TO THE EXTENT NOT REQUIRED
28 HEREUNDER, AND SHALL CONTAIN ALL OF THE FOLLOWING:

29
30 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S
31 NAME, DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR
32 MORE PHONE NUMBERS, INCLUDING EMERGENCY CONTACT
33 INFORMATION, A COPY OF A GOVERNMENT ISSUED PHOTO
34 IDENTIFICATION CARD OF THE APPLICANT, AND A COPY OF THE
35 APPLICANT'S CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED
36 PURSUANT TO THE MMMA;

37
38 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES,
39 DATES OF BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE
40 OR MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE
41 APPLICANT, INCLUDING DESIGNATION OF A STAKEHOLDER AS AN
42 EMERGENCY CONTACT PERSON AND CONTACT INFORMATION FOR THE
43 EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION,
44 INTERNAL REVENUE SERVICE SS-4 EIN CONFIRMATION LETTER, AND
45 THE OPERATING AGREEMENT OF THE APPLICANT, IF A LIMITED
46 LIABILITY COMPANY, AND A COPY OF AT LEAST ONE STAKEHOLDER'S

1 CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO
2 THE MMMA;
3

4 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL
5 MARIHUANA ESTABLISHMENT AND ANY ADDITIONAL CONTACT
6 INFORMATION DEEMED NECESSARY BY THE CITY CLERK;
7

8 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING
9 CENTERS, FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
10 APPLICANT, AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE
11 AND HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST
12 TO A DISQUALIFYING FELONY. WITH RESPECT TO ALL OTHER MEDICAL
13 MARIHUANA ESTABLISHMENTS, FOR THE APPLICANT OR FOR EACH
14 STAKEHOLDER OF THE APPLICANT, AN AFFIRMATION THAT EACH AND
15 **EVERY** AGENT OR EMPLOYEE IS AT LEAST 18 YEARS OF AGE AND HAS
16 NOT BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A
17 DISQUALIFYING FELONY;
18

19 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING
20 POLICE DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK
21 TO ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF
22 THE APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT
23 MEET THE CRITERIA SET FORTH IN THIS CHAPTER;
24

25 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING
26 CENTERS, THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF
27 PHOTO IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR
28 EMPLOYEE IF OTHER THAN THE APPLICANT;
29

30 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE
31 APPLICANT OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR
32 SUSPENDED, AND IF REVOKED OR SUSPENDED, THEN THE REASON
33 THEREFORE;
34

35 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
36 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL
37 HAS ANY RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A
38 RELATED INDUSTRY;
39

40 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
41 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR
42 PRODUCTS IN CONNECTION WITH THE DEBILITATING MEDICAL
43 CONDITIONS SET FORTH IN THE MICHIGAN MEDICAL MARIHUANA ACT;
44

45 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION
46 THAT THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;

1
2 (11) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
3 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

4
5 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
6 ESTABLISHMENT, INCLUDING PERCENTAGE
7 OWNERSHIP OF EACH PERSON OR ENTITY; AND

8
9 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES
10 POSITION DESCRIPTIONS AND THE NAMES OF EACH
11 PERSON HOLDING EACH POSITION.

12
13 (12) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE
14 ENTIRE PREMISES WHEREIN THE MEDICAL MARIHUANA
15 ESTABLISHMENT IS TO BE OPERATED; OR (B) WRITTEN CONSENT FROM
16 THE PROPERTY OWNER FOR USE OF THE PREMISES IN A MANNER
17 REQUIRING LICENSURE UNDER THIS CHAPTER ALONG WITH A COPY OF
18 THE LEASE FOR THE PREMISES;

19
20 (13) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL
21 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY
22 LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES,
23 AND/OR SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE
24 ESTABLISHMENT AND PREMISES. THE SECURITY MUST CONTAIN THE
25 SPECIFICATION DETAILS OF EACH PIECE OF SECURITY EQUIPMENT.
26 EACH MEDICAL MARIHUANA ESTABLISHMENT MUST HAVE A
27 SECURITY GUARD PRESENT DURING BUSINESS HOURS;

28
29 (14) A FLOOR PLAN OF THE MEDICAL MARIHUANA
30 ESTABLISHMENT, AS WELL AS A SCALE DIAGRAM ILLUSTRATING THE
31 PROPERTY UPON WHICH THE MEDICAL MARIHUANA ESTABLISHMENT
32 IS TO BE OPERATED, INCLUDING ALL AVAILABLE PARKING SPACES,
33 AND SPECIFYING WHICH PARKING SPACES, IF ANY, ARE HANDICAPPED-
34 ACCESSIBLE;

35
36 (15) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE
37 SHOWN ON THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA
38 ESTABLISHMENT;

39
40 (16) A LOCATION AREA MAP, AS MEASURED PURSUANT TO
41 SECTION 1300.13 (D) OF THE MEDICAL MARIHUANA ESTABLISHMENT
42 AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE LOCATIONS
43 AND THE DISTANCES, AS MEASURED PURSUANT TO SECTION 1300.13(D),
44 TO THE BUFFERED USES SET FORTH IN SECTIONS 1300.13(A) AND
45 1300.13(E).

1 (17) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY
2 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL,
3 INDICATING HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND
4 HOW ANY MARIHUANA WILL BE RENDERED UNUSABLE UPON
5 DISPOSAL. DISPOSAL BY ON-SITE BURNING OR INTRODUCTION IN THE
6 SEWERAGE SYSTEM IS PROHIBITED;

7
8 (18) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL
9 TRACK QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS,
10 AND WILL MONITOR INVENTORY;

11
12 (19) A DESCRIPTION OF PROCEDURES FOR TESTING OF
13 CONTAMINANTS, INCLUDING MOLD AND PESTICIDES;

14
15 (20) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
16 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.
17 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE
18 APPLICANT HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL
19 ASSESSMENTS, FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE
20 CITY;

21
22 (21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS,
23 SHOWING THAT THE APPLICANT HAS TANGIBLE FINANCIAL CAPITAL IN
24 THE APPLICANT'S NAME IN THE AMOUNT SUFFICIENT TO COMPLETE
25 THE MEDICAL MARIHUANA ESTABLISHMENT AND TO FUND THE
26 BUSINESS PLAN AND OTHER PLANS REQUIRED BY THIS SECTION 1300.5;
27 AND

28
29 (22) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
30 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
31 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR
32 SUCH JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF
33 THE MEDICAL MARIHUANA ESTABLISHMENT; AND

34
35 (23) A SIGNED ACKNOWLEDGEMENT THAT THE APPLICANT IS
36 AWARE AND UNDERSTANDS THAT ALL MATTERS RELATED TO
37 MARIHUANA. GROWING, CULTIVATION, POSSESSION, DISPENSING,
38 TESTING, SAFETY COMPLIANCE, TRANSPORTING, DISTRIBUTION, AND
39 USE ARE CURRENTLY SUBJECT TO STATE AND FEDERAL LAWS, RULES,
40 AND REGULATIONS, AND THAT THE APPROVAL OR GRANTING OF A
41 LICENSE HEREUNDER DOES NOT EXONERATE OR EXCULPATE THE
42 APPLICANT FROM ABIDING BY THE PROVISIONS AND REQUIREMENTS
43 AND PENALTIES ASSOCIATED WITH THOSE LAWS, RULES, AND
44 REGULATIONS OR EXPOSURE TO ANY PENALTIES ASSOCIATED
45 THEREWITH; AND FURTHER THE APPLICANT WAIVES AND FOREVER
46 RELEASES ANY CLAIM, DEMAND, ACTION, LEGAL REDRESS, OR

1 RECOURSE AGAINST THE CITY OF LANSING, ITS ELECTED AND
2 APPOINTED OFFICIALS AND ITS EMPLOYEES AND AGENTS FOR ANY
3 CLAIMS, DAMAGES, LIABILITIES, CAUSES OF ACTION, DAMAGES, AND
4 ATTORNEY FEES THE APPLICANT MAY OCCUR AS A RESULT OF THE
5 VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS, PARTNERS,
6 SHAREHOLDERS, EMPLOYEES AND AGENTS OF THOSE LAWS, RULES,
7 AND REGULATIONS AND HEREBY WAIVES, AND ASSUMES THE RISK OF,
8 ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE AGAINST
9 THE CITY OF LANSING, ITS ELECTED AND APPOINTED OFFICIALS,
10 EMPLOYEES, ATTORNEYS, AND AGENTS.

11
12 (24) AS IT RELATES TO A MEDICAL MARIHUANA GROWER
13 FACILITY, THE FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:

14
15 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A
16 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED,
17 INCLUDING PLANS FOR THE GROWING MEDIUMS, TREATMENTS,
18 AND / OR ADDITIVES;

19
20 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A
21 MINIMUM A DESCRIPTION OF HOW AND WHEN SAMPLES FOR
22 LABORATORY TESTING BY AN INTERNATIONAL ORGANIZATION FOR
23 STANDARDIZATION ACCREDITED TESTING FACILITY WILL BE
24 SELECTED, WHAT TYPE OF TESTING WILL BE REQUESTED, AND HOW
25 THE TEST RESULTS WILL BE USED;

26
27 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE
28 CONDUCTED IN CONFORMANCE WITH THE MMFLA OR OTHER
29 APPLICABLE STATE LAW;

30
31 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES
32 THE NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND
33 WHERE AND HOW PESTICIDES AND CHEMICALS WILL BE STORED IN
34 THE ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF
35 UNUSED PESTICIDES;

36
37 (V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING.

38
39 (25) PROOF OF AN INSURANCE POLICY COVERING THE
40 ESTABLISHMENT AND NAMING THE CITY, ITS ELECTED AND
41 APPOINTED OFFICIALS AND EMPLOYEES AS ADDITIONAL INSURED
42 PARTIES, AVAILABLE FOR THE PAYMENT OF ANY DAMAGES
43 ARISING OUT OF AN ACT OR OMISSION OF THE APPLICANT OR ITS
44 STAKEHOLDERS, AGENTS, EMPLOYEES, OR SUBCONTRACTORS, IN
45 THE AMOUNT OF (A) AT LEAST ONE MILLION DOLLARS FOR
46 PROPERTY DAMAGE; (B) AT LEAST ONE MILLION DOLLARS FOR

1 INJURY TO ONE PERSON; AND (C) AT LEAST TWO MILLION DOLLARS
2 FOR INJURY TO TWO OR MORE PERSON RESULTING FROM THE SAME
3 OCCURRENCE. THE INSURANCE POLICY UNDERWRITER MUST HAVE
4 A MINIMUM A.M. BEST COMPANY INSURANCE RANKING OF B+,
5 CONSISTENT WITH STATE LAW; AND

6
7 (26) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY
8 CLERK AND REASONABLY RELATED TO THIS SECTION 1300.5.
9

10 (C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A LICENSE
11 APPLICATION FEE IN AN AMOUNT ESTABLISHED BY CITY COUNCIL
12 RESOLUTION. SHOULD THE APPLICANT NOT RECEIVE A LICENSE, ONE-
13 HALF OF THE APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION
14 IS APPROVED AND A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE
15 IN AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION. THE
16 APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO DEFRAY
17 THE COSTS OF ADMINISTRATION OF THIS CHAPTER.
18

19 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
20 REQUIREMENTS OF THIS SECTION AND THE APPROPRIATE LICENSE
21 APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE
22 APPLICATION TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE
23 FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE
24 DEPARTMENT, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER.
25

26 (E) EXCEPT AS PROVIDED IN SECTION 1300.18, NO APPLICATION
27 SHALL BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION
28 UNLESS:
29

30 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE
31 HAVE INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE
32 WITH ALL LAWS FOR WHICH THEY ARE CHARGED WITH
33 ENFORCEMENT AND FOR COMPLIANCE WITH THE REQUIREMENTS
34 OF THIS CHAPTER;
35

36 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE
37 PROPOSED LOCATION COMPLIES WITH THE ZONING CODE AND THIS
38 CHAPTER, INCLUDING ANY VARIANCES GRANTED UNDER SECTION
39 1300.18;
40

41 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT
42 AND
43 EACH STAKEHOLDER OF THE APPLICANT, AND THE PROPOSED
44 LOCATION OF THE ESTABLISHMENT ARE IS NOT IN DEFAULT TO
45 THE
46 CITY;

1
2 (4) THE POLICE DEPARTMENT HAS DETERMINED THAT THE
3 APPLICANT HAS MET THE REQUIREMENTS OF THIS CHAPTER WITH
4 RESPECT TO THE BACKGROUND CHECK AND SECURITY PLAN.
5

6 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR
7 DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL
8 REFER A COPY OF THE APPLICATION TO THE COMMISSION FOR ITS
9 EVALUATION.
10

11 **1300.6 - LICENSE APPLICATION EVALUATION.**
12

13 (A) EXCEPT AS PROVIDED IN SECTION 1300.8 (A), THE CITY CLERK WILL
14 ASSESS ALL APPLICATIONS PURSUANT TO THE PROVISIONS,
15 REQUIREMENTS, AND CRITERIA SET FORTH IN THIS CHAPTER AND
16 SHALL CONSULT WITH THE POLICE DEPARTMENT, THE FIRE
17 DEPARTMENT, THE BUILDING SAFETY OFFICE, THE ZONING
18 ADMINISTRATOR, AND THE FINANCE DEPARTMENT. THE CITY CLERK
19 MAY CONSULT WITH OUTSIDE PROFESSIONALS IN THE BUSINESS AND
20 FINANCE DISCIPLINES.
21

22 (B) IN ITS APPLICATION REVIEW AND DELIBERATIONS, THE CITY CLERK
23 SHALL ASSESS AND EVALUATE EACH APPLICATION IN EACH OF THE
24 FOLLOWING CATEGORIES:
25

26 (1) WHETHER THE REPORTS ISSUED BY THE FIRE, POLICE,
27 BUILDING SAFETY, ZONING AND TREASURY DEPARTMENTS
28 INDICATE THAT THE APPLICANT OR ITS STAKEHOLDERS OR
29 EMPLOYEES HAVE SATISFIED THE REQUIREMENTS OF 1300.5
30 (E) (1-4) AND SUFFICIENTLY ADDRESSED THE
31 CONSIDERATIONS OF 1300.5 (B) (1-26).
32

33 (2) WHETHER THE PROPOSED ESTABLISHMENT WILL
34 NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF
35 THE SURROUNDING NEIGHBORHOOD AND COMMUNITY,
36 INCLUDING WHETHER THE APPLICANT OR ITS
37 STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY
38 OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT,
39 AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE
40 MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR
41 NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS
42 TO BE LOCATED;
43

44 (3) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ARE
45 PERSONS OF GOOD CHARACTER, HONESTY, AND INTEGRITY
46 WHO DO NOT DISCREDIT OR TEND TO DISCREDIT PUBLIC

CONFIDENCE AND TRUST IN THE MEDICAL MARIHUANA INDUSTRY, OR POSE A THREAT TO THE PUBLIC HEALTH, SECURITY, SAFETY, MORALS, GOOD ORDER, OR GENERAL WELFARE.

(4) WHETHER THE APPLICANT HAS REASONABLY DEMONSTRATED IT POSSESSES SUFFICIENT FINANCIAL RESOURCES TO FUND THE SUBMITTED BUSINESS PLAN AND OTHER PLANS REQUIRED BY SECTION 1300.5.

(C) IF THE COMMISSION ISSUES A CERTIFICATE OF APPROVAL TO AN APPLICANT, THE CITY CLERK SHALL ISSUE AN INITIAL LICENSE TO THAT APPLICANT WITHIN TEN (10) BUSINESS DAYS.

(D) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST IN A LICENSE ENTITLING AN APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN APPLICATION OR WITH REGARD TO ANY APPLICATION EVALUATION, ASSESSMENT, OR 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 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, THE CITY TREASURER, AND THE MEDICAL MARIHUANA COMMISSION.

1
2 (E) NO APPLICATION FOR A LICENSE RENEWAL SHALL BE
3 APPROVED UNLESS:

4
5 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE
6 HAVE INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE
7 WITH ALL LAWS FOR WHICH THEY ARE CHARGED WITH
8 ENFORCEMENT WITHIN THE PAST CALENDAR YEAR;

9
10 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE
11 PROPOSED LOCATION CURRENTLY COMPLIES WITH THE ZONING
12 CODE AND THIS CHAPTER, INCLUDING ANY VARIANCES
13 GRANTED UNDER SECTION 1300.18;

14
15 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT,
16 EACH STAKEHOLDER OF THE APPLICANT, AND THE PROPOSED
17 LOCATION OF THE ESTABLISHMENT ARE NOT CURRENTLY IN
18 DEFAULT TO THE CITY;

19
20 (4) THE POLICE DEPARTMENT HAS REVIEWED THE APPLICATION
21 AND DETERMINED THAT THE APPLICANT HAS SATISFIED THE
22 REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE
23 BACKGROUND CHECK AND SECURITY PLAN;

24
25 (5) THE MEDICAL MARIHUANA COMMISSION HAS REVIEWED THE
26 APPLICATION FOR COMPLIANCE WITH 1300.6 (B)(1-3).

27
28 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR
29 DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL
30 ISSUE A LICENSE RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE
31 IS ISSUED, HALF OF THE RENEWAL FEE SHALL BE RETURNED. THE
32 RENEWAL SHALL BE DEEMED APPROVED IF THE CITY HAS NOT ISSUED
33 FORMAL NOTICE OF APPROVAL OR DENIAL WITHIN 60 DAYS OF THE
34 FILING DATE OF THE APPLICATION.

35
36 **1300.8 – LICENSES GENERALLY.**

37
38 (A) TO THE EXTENT PERMISSIBLE UNDER LAW, ALL INFORMATION
39 SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A LICENSE
40 OR LICENSE RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL
41 AND EXEMPT FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF
42 INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ. FURTHERMORE, NO
43 PERSONAL INFORMATION CONCERNING THE APPLICANT SHALL BE
44 SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION.
45

1 (B) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER
2 TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL FROM
3 THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
4 LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO
5 THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE
6 PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST,
7 THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO
8 EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,
9 THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING
10 ADMINISTRATOR, AND THE CITY TREASURER. NO LICENSE TRANSFER
11 SHALL BE APPROVED UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT
12 GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED
13 LICENSE LOCATION MEET THE STANDARDS IDENTIFIED IN THIS CHAPTER,
14 INCLUDING, BUT NOT LIMITED TO, SECTION 1300.5(E) AND THE CITY
15 CLERK HAS DETERMINED THAT THE PROPOSED LOCATION MEETS THE
16 REQUIREMENTS OF 1300.6 (B)(2).

17
18 (C) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER
19 TO A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN
20 APPROVAL BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO
21 TRANSFER A LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE
22 LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK,
23 INDICATING THE CURRENT LICENSEE AND THE PROPOSED LICENSEE.
24 UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL
25 CONSIDER THE REQUEST AS A NEW APPLICATION FOR A LICENSE AND THE
26 PROCEDURES SET FORTH IN 1300.5 AND 1300.6 SHALL BE FOLLOWED.

27
28 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE
29 INFORMATION REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN
30 TEN (10) BUSINESS DAYS OF THE CHANGE. FAILURE TO DO SO MAY
31 RESULT IN SUSPENSION OR REVOCATION OF THE LICENSE.

32
33 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL**
34 **MARIHUANA PROVISIONING CENTER.**

35
36 EXCEPT AS PROVIDED BY THE RULES AND REGULATIONS ESTABLISHED
37 BY THE MICHIGAN MEDICAL MARIHUANA LICENSING BOARD,

38
39 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE
40 LOCATED IN A BUILDING.

41
42 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN
43 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;

1 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE
2 PREMISES OF A MEDICAL MARIHUANA PROVISIONING CENTER EXCEPT AS
3 PERMITTED BY LANSING CITY CHARTER SECTION 8-501 AND STATE LAW;
4

5 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL
6 CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH IT IS
7 OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY
8 CAMERAS. THE VIDEO RECORDINGS SHALL BE MAINTAINED IN A SECURE,
9 OFF-SITE LOCATION FOR A PERIOD OF 14 DAYS;
10

11 (E) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE
12 OPERATED IN A MANNER CREATING NOISE, DUST, VIBRATION, GLARE,
13 FUMES, OR ODORS DETECTABLE TO NORMAL SENSES BEYOND THE
14 BOUNDARIES OF THE PROPERTY ON WHICH THE MEDICAL MARIHUANA
15 PROVISIONING CENTER IS OPERATED;
16

17 (F) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
18 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
19 CENTER;
20

21 (G) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN
22 A MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY
23 NOT LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH
24 STATE LAW;
25

26 (H) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
27 PACKAGED AND LABELED AS PROVIDED BY STATE LAW AND THIS
28 CHAPTER.
29

30 (I) LICENSEE SHALL REQUIRE ALL REGISTERED PATIENTS PRESENT
31 BOTH THEIR MICHIGAN MEDICAL MARIHUANA PATIENT/CAREGIVER ID
32 CARD AND STATE IDENTIFICATION PRIOR TO ENTERING
33 RESTRICTED/LIMITED AREAS OR NON-PUBLIC AREAS OF THE MEDICAL
34 MARIHUANA PROVISIONING CENTER, AND IF NO RESTRICTED/LIMITED
35 AREA IS REQUIRED, THEN PROMPTLY UPON ENTERING THE MEDICAL
36 MARIHUANA PROVISIONING CENTER.
37

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

42 (K) LICENSEE SHALL NOT DISPLAY ANY SIGN, OR MESSAGE, THAT IS
43 PROHIBITED UNDER LOCAL LAWS AND LOCAL REGULATIONS OR STATE
44 LAW AND STATE REGULATIONS.
45

1 (L) LICENSEE IS PROHIBITED FROM DISPLAYING OR DISTRIBUTING IN
2 ANY MANNER, PHYSICALLY OR ELECTRONICALLY, ADVERTISING
3 MATERIAL THAT IS MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS
4 DESIGNED TO APPEAL TO MINORS.

5
6 (M) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER
7 SHALL PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED,
8 AN ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR
9 THROUGH ANY MEDIUM WITHIN THE BUFFERING ZONES SET FORTH IN
10 SECTION 1300.13

11
12 **1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL**
13 **MARIHUANA GROWER FACILITY.**

14
15 (A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL
16 MARIHUANA GROWER FACILITIES SHALL APPLY:

17
18 (1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY
19 AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE
20 MTA, AND THE MMFLA AND THE GENERAL RULES OF THE MEDICAL
21 MARIHUANA LICENSING BOARD AND THE DEPARTMENT OF LICENSING
22 AND REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS THE
23 FOREGOING LAWS AND REGULATIONS MAY BE AMENDED FROM TIME
24 TO TIME;

25
26 (2) EXCEPT AS PROVIDED BY STATE LAW AND LANSING CITY
27 CHARTER CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA
28 SHALL BE PROHIBITED AT THE CULTIVATION FACILITY;

29
30 (3) ALL ACTIVITY RELATED TO THE CULTIVATION FACILITY SHALL
31 BE DONE IN A BUILDING;

32
33 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE
34 STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS
35 ANYONE IS PRESENT ON THE PREMISES;

36
37 (5) ANY MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY
38 WITH THE MTA AND MAINTAIN A LOG BOOK AND/OR DATABASE
39 IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA AND
40 THE NUMBER OF MEDICAL MARIHUANA PLANTS ON THE PREMISES
41 WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED UNDER THE
42 GROWER LICENSE ISSUED BY THE STATE OF MICHIGAN. THIS LOG
43 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO
44 CONFIRM THAT THE MEDICAL MARIHUANA GROWER DOES NOT HAVE
45 MORE MEDICAL MARIHUANA THAN AUTHORIZED AT THE LOCATION
46 AND SHALL NOT BE USED TO DISCLOSE MORE INFORMATION THAN IS

1 REASONABLY NECESSARY TO VERIFY THE LAWFUL AMOUNT OF
2 MEDICAL MARIHUANA AT THE FACILITY;

3
4 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
5 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA
6 AND THE MMFLA AND THE RULES AND REGULATIONS OF THE MEDICAL
7 MARIHUANA LICENSING BOARD, AS THESE LAWS MAY BE AMENDED
8 FROM TIME TO TIME;

9
10 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND
11 MECHANICAL PERMITS SHALL BE OBTAINED FROM THE CITY OR
12 OTHER APPLICABLE GOVERNMENTAL AUTHORITY FOR ANY PORTION
13 OF THE STRUCTURE IN WHICH ELECTRICAL WIRING, LIGHTING AND/OR
14 WATERING DEVICES THAT SUPPORT THE CULTIVATION, GROWING OR
15 HARVESTING OF MARIHUANA ARE LOCATED;

16
17 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS
18 SUCH AS HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED
19 SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LANSING
20 FIRE DEPARTMENT TO INSURE COMPLIANCE WITH MICHIGAN FIRE
21 CODES;

22
23 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
24 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

25
26 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED
27 WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH
28 CULTIVATING, PROCESSING, OR TESTING MEDICAL MARIHUANA.
29 MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY
30 USES IN SUITES SEGREGATED FROM MEDICAL MARIHUANA GROWER
31 FACILITY;

32
33 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY
34 AS A MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.

35
36 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL**
37 **MARIHUANA SAFETY COMPLIANCE FACILITY.**

38
39 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE
40 FACILITIES SHALL APPLY:

41
42 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL
43 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA,
44 AND THE MTA AND THE GENERAL RULES OF THE MEDICAL
45 MARIHUANA LICENSING BOARD AND THE DEPARTMENT OF LICENSING
46 AND REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS THE

1 FOREGOING LAWS OR REGULATIONS MAY BE AMENDED FROM TIME TO
2 TIME;

3
4 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
5 LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL
6 MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;

7
8 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE
9 STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS
10 ANYONE IS PRESENT ON THE PREMISES;

11
12 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG
13 BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF
14 MEDICAL MARIHUANA ON THE PREMISES AND FROM WHICH
15 PARTICULAR SOURCE. THE FACILITY SHALL MAINTAIN THE
16 CONFIDENTIALITY OF QUALIFYING PATIENTS AND SHALL COMPLY
17 WITH WITH THE MMMA AND MTA, AS AMENDED FROM TIME TO TIME;

18
19 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
20 BUILDING IN ACCORDANCE WITH THE MMFLA, AS AMENDED FROM
21 TIME TO TIME;

22
23 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED
24 WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH
25 TESTING MEDICAL MARIHUANA;

26
27 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL**
28 **MARIHUANA PROCESSOR FACILITY AND A MEDICAL MARIHUANA**
29 **SECURE TRANSPORTER.**

30
31 (A) THE FOLLOWING MINIMUM STANDARDS FOR A PROCESSOR AND A
32 SECURE TRANSPORTER SHALL APPLY:

33
34 (1) A PROCESSOR AND A SECURE TRANSPORTER SHALL COMPLY AT
35 ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE
36 MMFLA, THE MTA AND THE GENERAL RULES OF THE MEDICAL
37 MARIHUANA LICENSING BOARD AND THE DEPARTMENT OF LICENSING
38 AND REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS THE
39 FOREGOING LAWS AND REGULATIONS MAY BE AMENDED FROM TIME
40 TO TIME;

41
42 (2) EXCEPT AS PROVIDED BY STATE LAW, INCLUDING THE MMMA
43 AND THE MMFLA, AND SECTION 8-501 OF THE LANSING CITY CHARTER,
44 AS APPLICABLE, CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA
45 SHALL BE PROHIBITED AT THE PROCESSOR OR SECURE TRANSPORTER
46 FACILITY;

1
2 (3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE
3 PERFORMED IN A BUILDING;

4
5 (4) THE PROCESSOR AND SECURE TRANSPORTER PREMISES SHALL
6 BE OPEN FOR INSPECTION DURING THE STATED HOURS OF OPERATION
7 AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON THE PREMISES;

8
9 (5) ANY PROCESSOR AND SECURE TRANSPORTER FACILITY SHALL
10 MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE
11 AMOUNT OF MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL
12 NOT EXCEED THE AMOUNT PERMITTED UNDER THE PROCESSOR
13 LICENSE ISSUED BY THE STATE OF MICHIGAN PURSUANT TO THE
14 MMFLA. THIS LOG AND/OR DATABASE SHALL BE IN ACCORDANCE
15 WITH THE MMFLA AND MTA AND AVAILABLE TO LAW ENFORCEMENT
16 PERSONNEL TO CONFIRM THAT THE PROCESSOR DOES NOT HAVE
17 MORE MEDICAL MARIHUANA THAN AUTHORIZED AT THE LOCATION
18 AND SHALL NOT BE USED TO DISCLOSE MORE INFORMATION THAN IS
19 REASONABLY NECESSARY TO VERIFY THE LAWFUL AMOUNT OF
20 MEDICAL MARIHUANA AT THE FACILITY;

21
22
23 (6) FOR A PROCESSOR, ALL MEDICAL MARIHUANA SHALL BE
24 CONTAINED WITHIN A BUILDING IN ACCORDANCE WITH THE
25 MICHIGAN MMFLA, AS AMENDED FROM TIME TO TIME; A SECURE
26 TRANSPORTER SHALL ABIDE BY THE MMFLA AND RULES
27 PROMULGATED THEREUNDER;

28
29 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND
30 MECHANICAL PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE
31 STRUCTURE IN WHICH ELECTRICAL WIRING FOR DEVICES THAT
32 SUPPORT THE PROCESSING OR SECURE TRANSPORTING OF
33 MARIHUANA ARE LOCATED;

34
35 (8) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF
36 ANY CHEMICALS EXIST SHALL BE SUBJECT TO INSPECTION AND
37 APPROVAL BY THE LANSING FIRE DEPARTMENT TO INSURE
38 COMPLIANCE WITH THE MICHIGAN FIRE PROTECTION CODE;

39
40 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
41 MARIHUANA PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL
42 BE PROHIBITED EXCEPT AS AUTHORIZED BY LANSING CITY CHARTER
43 AND STATE LAW;

44
45 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED
46 WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH

1 PROCESSING OR SECURE TRANSPORTING. MULTI-TENANT
2 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
3 SEGREGATED FROM A PROCESSOR OR SECURE TRANSPORTER
4 FACILITY;

5
6 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY
7 AS A PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE
8 PROHIBITED.

9
10 **1300.13 – LOCATION, BUFFERING, DISPERSION, AND ZONING**
11 **REQUIREMENTS FOR MEDICAL MARIHUANA ESTABLISHMENTS.**

12
13 (A) EXCEPT IN ACCORDANCE WITH SECTION 1300.18, FOR BUFFERING
14 AND DISPERSION PURPOSES, NO MEDICAL MARIHUANA PROVISIONING
15 CENTER SHALL BE LOCATED WITHIN:

16
17 (1) FIVE HUNDRED (500) FEET OF THE FOLLOWING BUFFERED
18 USES: A SCHOOL; PUBLIC PLAYGROUND EQUIPMENT
19 LOCATED IN A PARK; A COMMERCIAL CHILD CARE
20 ORGANIZATION (NON-HOME OCCUPATION) THAT IS
21 REQUIRED TO BE LICENSED OR REGISTERED WITH THE
22 MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES,
23 OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE
24 ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ.; A
25 CHURCH; A FACILITY AT WHICH SUBSTANCE ABUSE
26 PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT
27 AND REHABILITATION SERVICES, AS THOSE TERMS ARE
28 DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ.,
29 ARE OFFERED; AND THREE HUNDRED (300) FEET OF A PARK.

30
31
32 (B) MEDICAL MARIHUANA PROVISIONING CENTERS SHALL BE
33 LIMITED TO F AND F1-COMMERCIAL, G2-WHOLESALE, H-LIGHT
34 INDUSTRIAL, AND I-HEAVY INDUSTRIAL AS SUCH DISTRICTS ARE
35 DESCRIBED AND DESIGNATED BY THE ZONING PROVISIONS OF THE
36 LANSING CODIFIED ORDINANCES.

37
38 (C) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE
39 LOCATED WITHIN ANOTHER BUSINESS.

40
41 (D) FOR THE PURPOSE OF CALCULATING THE BUFFERING AND
42 DISPERSION REQUIREMENTS OF THIS SECTION 1300.13, THE DISTANCE
43 SHALL BE MEASURED ALONG THE CENTER LINE OF THE STREET OR
44 STREETS OF ADDRESS BETWEEN TWO FIXED POINTS ON THE CENTER LINE
45 DETERMINED BY PROJECTING STRAIGHT LINES, AT RIGHT ANGLES TO THE
46 CENTER LINE, FROM THE PART OF THE BUFFERED USE NEAREST TO THE

1 CONTEMPLATED LOCATION OF THE MEDICAL MARIHUANA
2 ESTABLISHMENT AND FROM THE PART OF THE CONTEMPLATED
3 LOCATION NEAREST TO THE BUFFERED USE.
4

5 (E) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES,
6 MEDICAL MARIHUANA PROCESSOR FACILITIES, AND MEDICAL
7 MARIHUANA SECURE TRANSPORTER FACILITIES SHALL BE SUBJECT TO
8 SECTION 1300.13(E) AND SHALL BE LIMITED TO THE H-LIGHT INDUSTRIAL,
9 I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING DISTRICTS AS
10 IDENTIFIED IN THE LANSING CODIFIED ORDINANCES. MEDICAL
11 MARIHUANA GROWER FACILITIES SHALL BE SUBJECT TO SUBSECTION
12 1300.13(E) AND LIMITED TO H-LIGHT INDUSTRIAL AND I-HEAVY
13 INDUSTRIAL ZONING DISTRICTS.
14

15 (F) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN
16 AN UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT
17 ENTERED INTO PURSUANT TO PUBLIC ACT 425 OF 1984.
18

19 (G) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY
20 CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE
21 CONSUMPTION OF MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON
22 LICENSED PREMISES.
23

24 25 **1300.14 - DENIAL AND REVOCATION.** 26

27 (A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER
28 AN ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES
29 THAT ANY GROUNDS FOR REVOCATION UNDER SUBSECTION 1300.14(B)
30 EXIST. NOTICE OF THE TIME AND PLACE OF THE HEARING AND THE
31 GROUNDS FOR REVOCATION MUST BE GIVEN TO THE LICENSEE AT LEAST
32 TEN DAYS PRIOR TO THE DATE OF THE HEARING BY FIRST CLASS MAIL TO
33 THE ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS
34 PROVIDED TO THE CITY CLERK IN WRITING SUBSEQUENT TO THE FILING
35 OF AN APPLICATION.
36

37 (B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE
38 DENIED OR REVOKED ON ANY OF THE FOLLOWING BASES:
39

40 (1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER,
41 INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO PROVIDE THE
42 INFORMATION REQUIRED BY SUBSECTION 1300.15 (A);
43

44 (2) ANY CONVICTION OF A DISQUALIFYING FELONY BY A PERSON
45 ISSUED A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER OR THE
46 MMFLA FOR AN ESTABLISHMENT OR THE OPERATION OF AN

1 ESTABLISHMENT, INCLUDING ANY PERSON IN CHARGE OF THE DAY-
2 TO-DAY OPERATIONS OF AN ESTABLISHMENT, AS THE CASE MAY BE;

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

8
9 (4) FAILURE TO MEET THE TERMS, CONDITIONS, AND
10 REQUIREMENTS FOR THE ISSUANCE AND RETENTION OF A LICENSE
11 PURSUANT TO THE PROVISIONS OF THIS CHAPTER;

12
13 (5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY
14 THE CITY TO HAVE BECOME A PUBLIC NUISANCE OR OTHERWISE IS
15 OPERATING IN A MANNER DETRIMENTAL TO THE PUBLIC HEALTH,
16 SAFETY, OR WELFARE;

17
18 (6) FAILURE OF THE LICENSEE OR THE MEDICAL MARIHUANA
19 ESTABLISHMENT TO OBTAIN OR MAINTAIN A LICENSE FROM THE
20 STATE PURSUANT TO THE MMFLA.

21
22
23
24 (C) APPEAL OF DENIAL OF APPLICATION OR REVOCATION OF
25 LICENSE: THE CITY CLERK SHALL NOTIFY AN APPLICANT OF THE
26 REASON (S) FOR DENIAL OF AN APPLICATION OR REVOCATION OF A
27 LICENSE AND PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO BE
28 HEARD. ANY APPLICANT AGGRIEVED BY THE DENIAL OR REVOCATION
29 OF A LICENSE UNDER THIS CHAPTER MAY APPEAL THE DECISION. SUCH
30 APPEAL SHALL BE TAKEN BY FILING WITH THE CITY CLERK, WITHIN 14
31 DAYS AFTER NOTICE OF THE ACTION COMPLAINED OF HAS BEEN
32 MAILED TO THE APPLICANT'S LAST KNOWN ADDRESS ON THE
33 RECORDS OF THE CITY CLERK, A WRITTEN STATEMENT SETTING
34 FORTH FULLY THE GROUNDS FOR THE APPEAL. THE REVIEW ON
35 APPEAL OF A DENIAL OR REVOCATION SHALL BE LIMITED TO
36 WHETHER THERE HAS BEEN AN ABUSE OF DISCRETION IN THE
37 DECISION OR THAT THE DECISION IS NOT SUPPORTED BY MATERIAL
38 AND COMPETENT EVIDENCE ON THE RECORD. THE DECISION AND
39 ORDER OF THE CITY CLERK ON APPEAL SHALL BE FINAL AND
40 CONCLUSIVE.

41
42 (D) HEARINGS PROVIDED FOR IN THIS SECTION 1300.14 MAY BE
43 CONDUCTED BY THE CITY CLERK'S OFFICE OR A PERSON DESIGNATED
44 BY THE CITY CLERK
45
46

1 **1300.15 - PENALTIES.**

2
3 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE
4 OF A MEDICAL MARIHUANA **ESTABLISHMENT** TO PRODUCE DOCUMENTS,
5 RECORDS, OR ANY OTHER MATERIAL PERTINENT TO THE INVESTIGATION
6 OF AN APPLICATION OR ALLEGED VIOLATION OF THIS CHAPTER. FAILURE
7 TO PROVIDE THE REQUIRED MATERIAL MAY BE GROUNDS FOR
8 APPLICATION DENIAL OR LICENSE REVOCATION;
9

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

- 20 1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;
21 2. \$750, PLUS COSTS, FOR A REPEAT VIOLATION;
22 3. \$750, PLUS COSTS, PER DAY, PLUS COSTS, FOR ANY VIOLATION
23 THAT CONTINUES FOR MORE THAN ONE DAY.
24

25 (C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN
26 45 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE
27 FINE OR AS OTHERWISE SPECIFIED IN THE ORDER;
28

29 (D) THE CITY CLERK MAY TEMPORARILY SUSPEND A MEDICAL
30 MARIHUANA ESTABLISHMENT LICENSE WITHOUT A PRIOR HEARING IF
31 THE CITY CLERK FINDS THAT PUBLIC SAFETY OR WELFARE REQUIRES
32 EMERGENCY ACTION AFFECTING THE PUBLIC HEALTH, SAFETY, OR
33 WELFARE. THE CITY CLERK SHALL CAUSE THE TEMPORARY
34 SUSPENSION BY ISSUING A SUSPENSION NOTICE **TO THE LICENSEE,**
35 **AND IN CONNECTION WITH INSTITUTION OF FURTHER PROCEEDINGS,**
36 **PROVIDE A NOTICE AND AN OPPORTUNITY FOR A HEARING TO THE**
37 **LICENSEE;**
38

39 (E) IF THE CITY CLERK TEMPORARILY SUSPENDS A LICENSE WITHOUT
40 A PRIOR HEARING, UPON REQUEST OF THE LICENSEE, **THE LICENSEE IS**
41 **ENTITLED TO A HEARING WITHIN THIRTY (30) DAYS AFTER THE**
42 **SUSPENSION NOTICE HAS BEEN ISSUED. THE HEARING SHALL BE**
43 **LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE. WITHIN**
44 **TEN (10) DAYS OF THE HEARING, THE CLERK SHALL EITHER VACATE**
45 **THE SUSPENSION OR EXTEND THE SUSPENSION AND IMMEDIATELY**
46 **COMMENCE REVOCATION PROCEEDINGS PURSUANT TO THIS CHAPTER;**

1
2 (F) IF THE CITY CLERK DOES NOT HOLD A HEARING WITHIN THIRTY
3 (30) DAYS AFTER THE DATE OF SUSPENSION WAS ISSUED, THEN THE
4 SUSPENDED LICENSE SHALL BE AUTOMATICALLY REINSTATED AND
5 THE SUSPENSION VACATED;

6
7 (G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED
8 TO FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE
9 AVAILABLE TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL
10 PROSECUTION.

11
12 **1300.16 -NO VESTED RIGHTS**

13 A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR
14 NONCONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR
15 FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT OF THIS
16 CHAPTER.

17
18
19 **1300.17 – ZONING BOARD OF APPEALS**

20 (A) (1) WHEN APPLYING FOR A LICENSE FOR A MEDICAL MARIHUANA
21 ESTABLISHMENT, AN APPLICANT WHO DOES NOT MEET THE
22 REQUIREMENTS OF SECTION 1300.13(A)(1) MAY SEEK A VARIANCE FROM
23 THOSE REQUIREMENTS BY SUBMITTING WITH THEIR APPLICATION A
24 WRITTEN APPLICATION TO THE BOARD OF ZONING APPEALS AND PAYING
25 A FEE SET BY COUNCIL RESOLUTION. UPON RECEIVING AN APPLICATION
26 WITH AN ACCOMPANYING APPLICATION FOR A VARIANCE, THE CITY
27 CLERK SHALL DETERMINE WHETHER THE APPLICANT HAS SUBMITTED A
28 COMPLETE APPLICATION MEETING THE REQUIREMENTS OF SECTION
29 1300.5, AN APPROPRIATE NONREFUNDABLE LICENSE APPLICATION FEE,
30 AND AN APPROPRIATE VARIANCE APPLICATION FEE. IF THE APPLICANT
31 HAS SATISFIED THESE REQUIREMENTS AND THE APPLICANT HAS
32 RECEIVED WRITTEN APPROVALS UNDER SECTION 1300.5 AND 1300.6
33 EXCEPT FOR SECTION 1300.13 DISTANCE AND BUFFERING REQUIREMENTS,
34 THE CITY CLERK SHALL IMMEDIATELY FORWARD THE APPLICATION TO
35 THE BOARD OF ZONING APPEALS.

36
37 (2) THE APPLICATION MUST IDENTIFY ALL OF THE REASONS THE
38 APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 1300.13(A),
39 INCLUDING, IF APPLICABLE, THE NAME AND ADDRESS OF ANY
40 SUBSTANCE ABUSE TREATMENT, PREVENTION, OR REHABILITATION
41 FACILITY; CHURCH; SCHOOL; PARK; OR PUBLIC PARK CONTAINING PUBLIC
42 PLAYGROUND EQUIPMENT.

43
44 (3) UPON RECEIPT OF AN APPLICATION MEETING THE REQUIREMENTS
45 OF SUBSECTION (A), THE BOARD SHALL GIVE NOTICE TO THE OCCUPANTS
46 OF ANY RESIDENTIAL OR COMMERCIAL BUILDINGS WITHIN 500 FEET OF

1 THE APPLICANT'S LOCATION. IF THE OCCUPANT'S NAME IS NOT KNOWN,
2 THE TERM "OCCUPANT" MAY BE USED. THE NOTICES SHALL BE
3 DELIVERED PERSONALLY OR BY MAIL AT THE ADDRESS GIVEN IN THE
4 LAST ASSESSMENT ROLL.

5
6 (4) THE BOARD OF ZONING APPEALS SHALL EITHER GRANT OR DENY
7 THE VARIANCE WITHIN A REASONABLE TIME. IN DETERMINING WHETHER
8 TO GRANT OR DENY THE VARIANCE, THE BOARD OF ZONING APPEALS
9 SHALL CONSIDER ALL OF THE FOLLOWING:

10
11 (I) THE AMOUNT OF TIME, IF ANY, THAT THE APPLICANT HAS BEEN
12 OPERATING AT THE PRESENT LOCATION;

13
14 (II) THE EXTENT TO WHICH THE APPLICANT HAS DEMONSTRATED A
15 COMMITMENT TO THE BETTERMENT OF THE NEIGHBORHOOD;

16
17 (III) THE DISTANCE BETWEEN THE APPLICANT'S LOCATION AND ANY
18 RELEVANT FACILITY THAT IS WITHIN 500 FEET OF THE APPLICANT'S
19 LOCATION.

20
21 (IV) THE NEED FOR A MEDICAL MARIHUANA ESTABLISHMENT AT THE
22 LOCATION IN ORDER TO PROVIDE THE SAFE AND EFFICIENT ACCESS TO
23 MEDICAL MARIHUANA WITHIN THE CITY;

24
25 (V) THE CHARACTER OF THE STRUCTURE AND ITS SURROUNDINGS;
26 AND

27
28 (VI) THE IMPACT OF THE VARIANCE ON THE CHARACTER OF THE
29 STRUCTURE'S SURROUNDINGS AND OWNERS OF OTHER PROPERTIES IN
30 THE vicinity.

31
32 (5) IF THE BOARD OF ZONING APPEALS APPROVES THE VARIANCE, THE
33 APPLICATION SHALL IMMEDIATELY BE SUBMITTED TO THE CITY CLERK.

34
35
36
37
38 **1300.18-SUNSET**

39
40 PURSUANT TO SECTION 3-307 OF THE LANSING CITY CHARTER, THIS
41 CHAPTER SHALL EXPIRE DECEMBER 1, 2026.

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
3 of no effect.

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

7 Section 4. This Ordinance shall take effect on **DECEMBER 1, 2017.**