



AGENDA
Committee on Public Safety
Friday, December 2, 2016 @ 3:30 p.m.
City Hall, Council Conference Room

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - November 17, 2016
4. **Public Comment on Agenda Items**
5. **Discussion:**
 - A.) Emergency Management to discuss weather preparation for Silver Bells
 - B.) Home Occupation Ordinance
 - C.) City Attorney Office Update
 - Commercial Medical Marihuana 60 day suspension analysis
 - Medical Marihuana Moratorium Log
 - Medical Marihuana Moratorium Criteria
6. **Adjourn**



COMMITTEE

On Public SafetyDATE 12.2.14

1 of 2

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
✓ Daniella L.M. Farrell	1420 S. Pennsylvania Lansing MI 48910	redsnrg@gmail	mmmp Patient/self	
✓ Harriet Clauson	911 W. Cavanaugh Lansing		mmmp Patient	
✓ TEISHA DOYLE	505 Leslie St. Lansing	tjheart+handhemp@gmail.com	mmmp Patient	
✓ Lauren Delcamp	Lansing		mmmp Pat	
J. Richter-Bolz	Ann Arbor MITCH	bbiofuels@yahoo.com	7 children/self	
Mary Ellen Burificato	FPCA			
✓ Jason Durham	Lansing		mmmp Pat	
✓ Gowoon Lee	MSU Dormitory	leegowoo@msu.edu		
✓ Steve Green		SteveGreen@kaiser	Self	
✓ Kelly Brown			Self	
✓ Elaine Womboldt	4815 Trossa LANSING	emwomboldt@comcast.com	RSL	
✓ Maia Samra	915 N. Wash Lansing 48906			
✓ Richy Brown	1701 Peppery Place		Self	



DATE Dec 2, 2016
2 of 2

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MINUTES
Committee on Public Safety
Thursday, November 17, 2016 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:30 p.m.

ROLL CALL

Councilmember Carol Wood, Chair

Councilmember Adam Hussain, Vice Chair

Councilmember Kathie Dunbar, Member- arrived at 3:34 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff

Jim Smiertka, City Attorney

Mark Dotson, Deputy City Attorney

Debbie Garvey

Otto Graesser

Vern Frailey

Mary Ann Purificato

Steve Green

Angie Stevens

Kelly Brown, Nicholas Law Firm

Gary Calkins

Judy Davis

Elaine Womboldt

Kathy Miles

Jon Miles

Mary Ann Prince

Harold King

David Saglimbene

Robert Ovalle

Melea Bullock

Sam Johnson

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM NOVEMBER 4, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Councilmember Wood apologized for miscommunication at the last meeting where statements were made regarding the documents that would be consider for verification that the business was open before the moratorium. She referenced earlier meeting minutes and offered them to Mr. Johnson, noting she had misunderstood him at the last meeting, confirming clarification on his statements that the rental lease was one of the multiple documents that would be considered.

RESOLUTION – MAKE SAFE AND DEMOLISH- 1517 PATTENGILL

Mr. Sanford stated that the property has a \$46,000 SEV, but the estimate to repair is at \$139,300. The property has gone through the demolition process and the hearing Board. Proper notification was made but no one showed for the hearing.

Mr. Smiertka and Mr. Dotson stepped away from the meeting at 3:33 p.m.

Councilmember Wood confirmed that there was no one present at the public hearing before Council. She then asked Mr. Sanford, whether the property qualified for 30 day Make Safe order. Mr. Sanford stated it was not fire damaged so it does have to be 60 days.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR MAKE SAFE AND DEMOLISH FOR 1517 PATTENGILL. MOTION CARRIED 2-0.

Mr. Smiertka and Mr. Dotson returned to the meeting 3:34 p.m.

RESOLUTION – MAKE SAFE AND DEMOLISH – 2915 TURNER

Mr. Sanford informed the Committee that the SEV on this property was at \$27,800 with and estimated cost of repair at \$85,500. The Demolition Board also recommends demolish of this property in 60 days and there was proper notification and no one showed for the hearing. This property was not fire damaged. Councilmember Wood added that at the public hearing on November 14, 2016 before Council there was no one present.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR MAKE SAFE AND DEMOLISH FOR 2915 TURNER. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION:

Code Compliance Information on Lead Information Requirements on Rentals

Councilmember Wood stated that the Committee had a report from the Ingham County Health Department on lead issues in our community. One of the suggestions from this meeting was an ordinance requiring Lead Testing as part of rental registration.

Mr. Sanford acknowledged they had been reviewing the proposals with other municipalities, and there is a \$2.3 million grant that could do an estimated 150 units, with an estimated \$400 per unit. In a review of the Lansing housing, there are 8,036 single family homes, including duplexes, and that would be an assessment cost of \$3.4 million, abatement costs based on 78% average, would be about \$51,626,000. In multi-family there is \$7.1 million assessment and \$6,981,000 abatement. Any administrative costs for Lead Safe Lansing include personnel, fringe and 42% of the costs.

Mr. Smiertka and Mr. Dotson stepped away from the meeting at 3:41 p.m.

Mr. Sanford outlined the positive impact, building safety and OSHA practices, with .03% testing positive in Lansing.

Mr. Smiertka and Mr. Dotson returned to the meeting at 3:42 p.m.

Mr. Peffley confirmed on behalf of LBWL that there is only one (1) lead surface line left in the City of Lansing.

Mr. Sanford outlined impacts which included increased costs to tenants, impacts on affordable housing, and landlords will avoid registering because there is legal liability for landlords. Lastly, Mr. Sanford pointed out to the Committee that this would be an unfunded mandate, so the City will have to institute a fee to cover the costs. Councilmember Hussain spoke on the current program as it is, because every part is voluntary.

Councilmember Wood asked Mr. Sanford if the inspectors are looking at peeling paint with rental inspections. Mr. Sanford confirmed, and stated the landlords are then cited if they find some.

Councilmember Wood then asked if there had been any testing of soils at the locations of the homes that were removed under the Blight Funding with the City and County. Mr. Sanford acknowledged Code has not, but they do partner with the Development Office. Councilmember Wood asked if they inspect for lead on the "Make Safe and Demolish" properties. Mr. Sanford confirmed that it is not required under the demolition process so they do not. Councilmember Wood asked Law to add it to the requirements.

Councilmember Dunbar asked Mr. Sanford what the cost would be for the unfunded mandate he mentioned earlier. Mr. Sanford did not have any figures. Councilmember Dunbar asked what recommendations or inspections they perform if they find chipped paint. Mr. Sanford stated they recommend to the owner to cover it and directs them to the Development Office to have the property tested.

Councilmember Wood provided Mr. Sanford of the address of 1515 Denora to check on.

City Attorney Update on Medical Marihuana Moratorium Log

City Attorney Update on Medical Marihuana Moratorium Criteria

Mr. Dotson distributed an updated spreadsheet. The first one highlighted on the spreadsheet was on page 3, "Lansing Tribute", where Mr. Dotson stated he had spoken to the owner on November 16th and they informed him they had been in business since November, 2015. Currently his office is waiting on the lease, utility bill and affidavit attesting to operations before the Moratorium.

Councilmember Dunbar asked for clarification on the criteria, because with no sign, and them stating they were open, does not mean they were doing business. There was a question on what the actual affidavit would be. Mr. Dotson stated they are accepting a signed affidavit from the businesses, and also a utility bill which is evidence they were paying and open. Councilmember Dunbar pointed out that a signed affidavit could be perjury, and asked if Law is looking at advertisements. Mr. Dotson confirmed there is no limitation on what they can look at.

Mr. Dotson then referred to the last page at the last item dated November 14th. These items have represented they are opening soon, but not in operation now. Another one is "Hello Wellness" who is also stating they will be operating soon, but nothing currently.

Councilmember Wood asked if Law has sent letters to those businesses telling them if they open they will be in violation. Mr. Dotson stated that at this time he is not even sure they will

be Medical Marihuana establishments, but once they open Law will send the letters because Law does not believe it would be appropriate to send the letters now.

Mr. Dotson then referred the Committee to the last three entries, which are residential complaints. Councilmember Wood asked those stay on the spreadsheet. Mr. Smiertka asked if those should be separated out, and Councilmember Wood asked they stay on the spreadsheet and place all residential in one location, and the commercial entities that may be in violation of the moratorium in another location. Mr. Dotson agreed to make the changes and pointed out that they had removed names and addresses for the residential complaints.

Home Occupation Ordinance

Councilmember Wood informed the public that in July Mr. Smiertka stated he was working on two ordinances; the Medical Marihuana Dispensary Ordinance for commercial entities and the Residential Ordinance. The Committee has been waiting for the completion of the Residential Ordinance. Mr. Smiertka had stated at previous Committee meetings he was working with BWL on details. The week of November 7th there was an announcement that Mayor had a Residential Ordinance. This is the ordinance Law completed and it was passes along to the Mayor, and she appreciated the support of the Mayor.

Councilmember Hussain asked for confirmation that the Ordinance in front of them at this meeting is the same one Law was working on for the Committee on Public Safety. Mr. Smiertka confirmed Law had been studying the Medical Marihuana situation, performed research and held discussions with police, fire and outside groups, in addition to try to understand how to address the concerns in the neighborhoods. This lead to asking if any Home Occupation might have issues, concerns could cause for building safety, exhaust fumes and level of electrical use. These discussions lead to the development of this ordinance, and what is the level where electrical usage can cause a danger. After a discussion with BWL, it resulted in ordinance wattage of 5,000 KWH. Mr. Smiertka added that since the first release of the draft ordinance, he was now recommending to add "per month" after "5,000 KWH".

Councilmember Hussain asked again if this was the Ordinance Law was working on since July 2016 for this Committee. Mr. Smiertka stated yes it is. It also provides for enforcement on all home occupations that emit fumes into neighborhood. He stated that the new Ordinance would require any Home Occupation has to register with the Building and Safety office and in turn requires an inspection.

Councilmember Wood asked if all home occupations now have to register, because in the past Home Occupation Ordinance did not require that. Mr. Smiertka confirmed they would, and Mr. Dotson added only if they meet a certain threshold. Mr. Smiertka agreed, noting only if they emit fumes and gases in neighborhood or use 5,000 KWH per month. If the Law office gets a complaint they will send a letter, then talk to owner and see if they are emitting gases. The City will also have the ability to have administrative search warrants. It should be noted that this ordinance is on the building, there are items that reserve the privacy of the individuals. This process will be a registry. Mr. Smiertka made it known that the number was determined on discussions with BWL on the dangers in the wattage loads that are continuous.

Mr. Peffley confirmed that 5,000 KWH was proposed to them by the City, and the BWL measures electric KWH over a period of a month. Mr. Peffley noted that that City also asked if they read peak loads. It was noted that 552 KWH load per month is normal. Mr. Peffley did inform the Committee that the BWL has been responding to overheated electrical boxes where fires were caused by loads over 5,000 KWH. That level of a read would also mean the electrical service in the house would not be sufficient.

Councilmember Wood asked what kind of business would cause that spike in KWH. Mr. Peffley answered that it could be small retail store or a party store. However in those cases, it should be noted that those small business services are designed for that. It was noted in their research they could not specifically find a property with 5,000 KWH usages where they weren't running a high load usage. It should be noted that a typical residential usage is 525 KWH per month.

Councilmember Hussain asked Mr. Peffley, that if 5,000 KWH was suggested by the City and the spirit of the ordinance is to protect, is 5,000 appropriate. Mr. Peffley stated a lower number should be taken into consideration; however he did not have that specific number to suggest. If BWL had a peak monitoring system in place they might be able to propose something, but right now they can only look at an average. BWL believes lower is possible and they have offered to study and have an engineer look into it.

Councilmember Wood asked if a resident had a pool and giving swimming lessons would that fall under home occupation for this ordinance, and Mr. Smiertka stated it would.

Mr. Peffley continued by stating it is easy to detect how much a house is using, however at this time they were not asked to do that.

Councilmember Wood asked what the determination was used to come up with 5,000 KWH, and if they had looked at lower number. Mr. Smiertka confirmed that there is data out there that the usage is lower for growing, and probably 5,000-8,000 KWH would be on continued bases for 72 plants. The 5,000 KWH was originally given to Law by outside groups familiar with this growing practice. Law is still open for discussion.

Councilmember Dunbar asked Mr. Peffley if the house fires he mentioned had a cross reference and a baseline for their grow facility. Mr. Peffley offered to do that, however it had not been done on those fires because they knew it had exceeded and caused the fire. Councilmember Dunbar asked what the new rating would be, and Mr. Peffley stated that when they look at KWH, that is the total use over a month, and trying to figure out hour by hour, and not being familiar with growing, they have to look at usage over 5,000 KWH with a 100 amp service. Councilmember Dunbar asked if this is causing a drain on electricity on the house, or potential in the area. Mr. Peffley admitted a cluster in an area is an issue, but not an issue on the BWL system in total. If there is a cluster on one street it is a safety issue. If a customer wants to use 5,000 KWH, BWL can upgrade for a fee. They would then also have to upgrade their service in their house.

Mr. Smiertka reviewed the proposed ordinance line by line.

Line 2 – 12 is a summary of the ordinance and line 8 should be amended to include “per month” after “hour”).

Section 1 – line 16 – outlines home occupation as defined as a term in Zoning.

Councilmember Wood asked if it will need to go before the Planning Board for review and public hearing, and Mr. Smiertka stated it would not because there are no zoning issues, just a reference term in the ordinance but no zoning implications. Once the Committee has a final draft, there will only be a five (5) day notice for public hearing and passage.

Line 17- 29 expresses the intent of the ordinance, that there is a finding that the home occupation uses electricity that exceeds 5,000 KWH on a peak or continuous basis. In line 19 “per month” was added after “KWH”.

Councilmember Wood asked about odors in the nuisance ordinance, and the consideration of purchasing equipment to measure odor to assist the enforcement officers, and if that has been used as part of the matrix. Mr. Smiertka admitted there is equipment, and that it would be case by case and it would be objective evidence.

Mr. Dotson stepped away from the meeting at 4:28 p.m.

Mr. Smiertka continued with the ordinance on line 22- 23 where the City of Lansing in there general offense criminal code has a similar code as what is noted here. Mr. Smiertka then continued by reading lines 24-35.

Councilmember Wood asked if everyone has to register, or only if there is a violation found. Mr. Smiertka stated it addresses that anyone in charge has the obligation to register. If there is any home occupation and they are doing the things described in the ordinance, they must register. This will get triggered when the City receives complaints on the odor.

Councilmember Hussain asked if it would be a civil infraction if they fail to register. Mr. Smiertka confirmed that if the City finds they have a violation of the ordinance with home occupation, that they were doing these things, then there would be a civil infraction for failure to register.

Councilmember Dunbar asked, outside of marihuana, what other home occupations would use 5,000 KWH. Mr. Smiertka suggested a tanning bed. This is not a medical marihuana ordinance; this is registering any home occupation. It is defined in the zoning ordinance with different qualifiers. Mr. Smiertka read lines 35-36 which spoke to "compliance".

Councilmember Dunbar asked that the ordinance be amended to include the language in lines 7-8 of the ordinance anywhere in the ordinance where 5,000 KWH is referenced.

Line 42 spoke to annual inspections. Councilmember Wood asked if there was a cost determined for the inspection. Mr. Smiertka admitted there was no discussion on the fee at this point, but it can be looked at and handled as a typical housing or building inspection.

Line 48-66 intends to protect the privacy of home occupations in medical marihuana for safety reasons. Councilmember Wood added that this section would also cover a caregiver because of the HIPPA no name can be given.

Councilmember Wood asked how annual inspections would work. Mr. Smiertka referred to the rental registration inspections, however if they are protected under HIPPA or the MMA their names will not be listed. Councilmember Dunbar noted that in that case, any address without a name is going to be known to be a medical marihuana facility. How will they maintain privacy issues if there is a FOIA list on inspections. The question was asked if someone is growing for themselves and might have smell, using a LED system with low heat and a less chance for fire, if they don't cross the thresholds do they have to register, and Mr. Smiertka confirmed they do not.

Councilmember Dunbar suggested creating educational brochures for caregivers on how to use lower usage, better ventilation, etc.

Mr. Smiertka moved back to the Ordinance, line 60 which spoke to municipal civil infraction. Councilmember Wood asked that a line be added that states "A fee will be established by Resolution and can be changed by Resolution." It was also requested that the fees be obtained by Code Enforcement for the next meeting.

Mr. Dotson returned with a flyer on a smelling meter and distributed that to the Committee. A piece of equipment would still require a person to use it, and there is still the question on odors being emitted at night or weekends when there is no Code inspector working. Councilmember Wood asked if research had been done on any device that can be set in a location for taking periodic samples. Mr. Dotson admitted he had not researched that, and therefore was asked to do so by Councilmember Wood. Councilmember Dunbar asked if a group of volunteers could be organized to do enforcement. Councilmember Wood admitted this was considered, however there would be a potential for an issue if the case went to court.

Councilmember Wood informed the public that the next meeting on the topic would be December 2, 2016 at 3:30 p.m. to review Draft #2.

Mr. Dotson stepped away from the meeting at 4:56 p.m.

Public Comment

Ms. Garvey spoke about one property particularly, 1733 S. Hollywood, stating her opinion that the odor from the property is extreme and she are asking for the property to be monitored for excessive wattage usage.

Mr. Dotson returned to the meeting at 4:59 p.m.

Ms. Purificato asked Mr. Peffley to take into consideration condominiums when they research and consider wattage usage. The opinion is that condos are not all individual units but are attached with multiple units in a building.

Mr. Green referenced the Michigan Medical Marihuana Act, Section 7 e. which he recited as "all other Acts and parts of Acts do not apply to the medical use of marihuana in this Act." Mr. Green continued referencing "person" including employee, contract or state agency, local government that discloses private information as punishable.

Ms. Stevens referred to the State law that does not allow anyone into grow areas, including inspectors. Her opinion was that the proposed ordinance was an attack on the medical marihuana industry. Ms. Stevens did ask what the cost of an inspection fee would be.

Ms. Brown spoke in opposition to the ordinance, with her opinion that it was an attack on business and caregivers. Ms. Brown asked for the number of complaints.

Ms. Davis spoke in support of getting further information and the need to clarify that some cases are an outside grow.

Ms. Miles spoke in opposition to the 5,000 kWh because it was too high and asked the Committee to consider a lower number.

Ms. Prince spoke in opposition to allowing the growing of medical marihuana. Councilmember Wood clarified that the State allows, it is not the City.

Ms. Womboldt spoke in opposition to the 5,000 kWh, and questioned line 21 of the proposed ordinance and setback from the property line.

Councilmember Dunbar referenced the first section in the ordinance where it states the odor is leaving their property and entering another. The questions are if the violation is leaving the property, as in a street side, or entering onto another property which could be the neighbors.

Councilmember Wood asked that Mr. Smiertka and Law review the former Home Occupation Ordinance which outlined the definition.

Councilmember Wood clarified that the Committee will meet again on December 2, 2016 at 3:30 p.m.

City Attorney Clarification on Enforcement of Commercial Zoning setbacks for Medical Marihuana Establishments

Not addressed.

ADJOURN

The meeting was adjourned 5:21 p.m.

Submitted by, Sherrie Boak, Recording Secretary Lansing City Council

Approved: _____

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
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ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO ADD SECTION 1460.04, HOME OCCUPATION REGISTRATION AND INSPECTION, TO CHAPTER 1460 OF THE LANSING CODIFIED ORDINANCES TO PROVIDE FOR THE REGISTRATION AND INSPECTION OF ANY BUILDING OR STRUCTURE IN A RESIDENTIALLY-ZONED DISTRICT WHERE THE OPERATION OF A HOME OCCUPATION WITHIN SUCH BUILDING OR STRUCTURE UTILIZES ELECTRICITY THAT EXCEEDS 3500 KWH (KILOWATT HOURS) PER MONTH OR WHERE THE OPERATION EMITS GASES, FUMES, SMOKE, OR ODORS OUTSIDE OF THE BUILDING OR STRUCTURE AND ACROSS THE BUILDING OR STRUCTURE'S PROPERTY LINE; AND TO PROVIDE CIVIL INFRACTION PENALTIES FOR NONCOMPLIANCE WITH SECTION 1460.04.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Section 1460.04 be added to Chapter 1460 of the Lansing Codified Ordinances ("Code") to read as follows:

1460.04 HOME OCCUPATION REGISTRATION AND INSPECTION

(a) THE CITY OF LANSING FINDS THAT THE OPERATION OF A HOME OCCUPATION, AS DEFINED IN THE CODE, WHICH UTILIZES ELECTRICITY THAT EXCEEDS 3500 KWH PER MONTH, OR WHERE THE HOME OCCUPATION EMITS GASES, FUMES, SMOKE, OR ODORS OUTSIDE OF THE BUILDING OR STRUCTURE AND ACROSS THE BUILDING OR STRUCTURE'S PROPERTY LINE, PRESENTS A DANGER OF FIRE OR EXPLOSION OR OTHERWISE CREATES A PUBLIC NUISANCE, AS DEFINED IN CHAPTER 655 OF THE CODE, TO SURROUNDING RESIDENTIAL PROPERTIES; FURTHER, THAT SUCH UTILIZATION OR EMISSION PRESENTS A

CLEAR AND PRESENT DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING, AND IT IS IN THE PUBLIC INTEREST THAT SUCH HOME OCCUPATION BE INSPECTED FOR SAFETY REASONS AT LEAST ANNUALLY.

(b) EVERY PERSON OPERATING, OR AS A LESSOR OF AN OWNER ALLOWING AN OPERATION OF, A HOME OCCUPATION, AS DEFINED IN SECTION 1240.03 OF THE CODE, IN A RESIDENTIALLY-ZONED DISTRICT SHALL ANNUALLY REGISTER THE BUILDING OR STRUCTURE WITHIN WHICH SUCH HOME OCCUPATION IS SITUATED WITH THE CITY OF LANSING OFFICE OF CODE COMPLIANCE IF:

1. THE HOME OCCUPATION UTILIZES ELECTRICITY THAT EXCEEDS 3,500 KWH PER MONTH; OR

2. THE HOME OCCUPATION EXHAUSTS OR EMITS GASES, FUMES, SMOKE OR ODOR INTO THE SURROUNDING AREAS OUTSIDE OF THE BUILDING OR STRUCTURE AND ACROSS THE BUILDING OR STRUCTURE'S PROPERTY LINE.

(c) ANY DWELLING OR ACCESSORY BUILDING USED AS PART OF A HOME OCCUPATION REGISTERED PURSUANT TO THIS SECTION SHALL BE INSPECTED ANNUALLY BY THE OFFICE OF CODE COMPLIANCE FOR CODE AND SAFETY COMPLIANCE AND FOR ADEQUATE VENTING OF GASES, FUMES, SMOKE OR ODOR SO AS NOT TO CAUSE A PUBLIC NUISANCE IN THE SURROUNDING AREAS.

(d) IT IS THE INTENT OF THIS SECTION THAT THE REGISTRATION REQUIRED HEREIN BE FOR SAFETY REASONS RELATED TO BUILDINGS OR STRUCTURES AND

NOT RELATED TO THE OWNER OR OCCUPANT OF SUCH BUILDING OR
STRUCTURE; THUS, EXCEPT FOR A NAME AND NECESSARY CONTACT
INFORMATION, PERSONAL INFORMATION RELATED TO ANY PERSON
REGISTERING THE BUILDING OR STRUCTURE SHALL NOT BE REQUIRED OR
COLLECTED. FURTHER, TO THE EXTENT ALLOWABLE UNDER THE MICHIGAN
FREEDOM OF INFORMATION ACT AND PROTECTED UNDER MICHIGAN AND
FEDERAL LAWS, INCLUDING, BUT NOT LIMITED TO, MCL 333.26421 ET SEQ. AND
U.S.PUBLIC LAW 104 -191 AND FEDERAL REGULATIONS PROMULGATED
THEREUNDER, PERSONAL INFORMATION RELATED TO AN OWNER OR OCCUPANT
OF A REGISTERED BUILDING OR STRUCTURE SHALL NOT BE DISCLOSED.

(e) FAILURE TO REGISTER A HOME OCCUPATION BUILDING OR STRUCTURE
AS REQUIRED BY THIS SECTION SHALL CONSTITUTE A MUNICIPAL CIVIL
INFRACTION PURSUANT TO CHAPTER 203 OF THE CODE AND THE PENALTIES SET
FORTH IN SECTION 202.99 OF THE CODE SHALL APPLY TO EACH SUCH CIVIL
INFRACTION OR AS SUCH PENALTIES MAY BE AMENDED FROM TIME TO TIME BY
AN ORDINANCE ENACTED BY THE LANSING CITY COUNCIL.

(f) THE PROVISIONS OF THIS ORDINANCE SHALL EXPIRE FIVE YEARS
AFTER THE DATE OF ITS ENACTMENT.

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

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

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



OFFICIAL MEDIA RELEASE

KENT COUNTY SHERIFF DEPARTMENT



Date: November 28, 2016

Complaint Number:

Incident Type: Narcotics Investigations

Investigator: Det. Jon Steffes

Supervisor Approval: Lieutenant Al Roetman

On Monday November 28th, 2016 the Kent Area Narcotics Enforcement Team (K.A.N.E.T.) conducted several search warrants throughout Kent County. These search warrants were executed after a result of a lengthy investigation into the illegal sales of marijuana.

Search warrants were conducted at the following locations:

1. Relief Hub dispensary 4920 Plainfield Ave Ne in Plainfield Twp.
2. Third Day dispensary 4981 Plainfield Ave Ne in Plainfield Twp.
3. 5000 blk of Circle Dr Ne in Cannon Twp.
4. 5400 blk of Pine Island Dr Ne in Plainfield Twp.
5. Red Jasper dispensary 3926 West River Dr Ne in Plainfield Twp.
6. 2100 blk of Wyndham Hill Dr Ne in City of Grand Rapids.
7. 1200 blk of Taylor Ave Nw in City of Grand Rapids.

This investigation involved subjects that have been previously investigated and given both written and verbal warnings by law enforcement and the Kent County prosecutor's office but continue to operate illegally under the Michigan Medical Marijuana Act. Investigators have received several complaints/TIPs from the public in reference to the illegal sales of marijuana occurring at these dispensary locations. Law Enforcement has conducted several purchases of marijuana from the dispensaries confirming that they continue to operate illegally. All seven locations are related to the investigation.

The Kent County Sheriff Department continues to work with Medical Marijuana caregivers and patients who are complying with the laws and no enforcement is taken.

We are aware of the recently passed Medical Marijuana Facility Licensing Act (MMFLA) IE: Michigan House Bill 4209, 4827 and 4210 which was recently passed by the Michigan House and signed by Governor Rick Snyder. These bills cover the licenses requirements which includes local control by cities, villages, and townships which can pass their own regulations in relation to marijuana facilities. Legalizes marijuana provisioning centers/growing facilities. Covers safety compliance, taxes, fees and funds to municipalities, counties and the state. The bill also legalizes marijuana infused products. A copy of the new bills will be sent with this release along with the Plainfield Township ordinance #845 that covers medical marijuana dispensaries.

We have found evidence that these dispensaries continue to operate illegally even in violation of the newly passed Michigan House bills (MMFLA).

The subjects identity involved will be released at a later time as the investigation is ongoing.

Media Contact: Undersheriff Michelle Lajoye-Young
616-632-6236

September 8, 2016 - Michigan Senate Passes Medical Marihuana Regulatory and Infused Products Bills

Please see below a summary of House Bills 4209, 4827, and 4210.

HOUSE BILL 4209:

The Board:

HB 4209 creates the Medical Marihuana Licensing Board (the “Board”) within the Department of Licensing and Regulatory Affairs (“LARA”), and gives it authority to regulate the activity and operation of medical marihuana facilities within the State.

The Board will be comprised of five members appointed by the Governor. Members may not have a direct or indirect financial interest in a marihuana facility or applicant, must be of good moral character, and may not have been convicted of any felony or a misdemeanor involving a controlled substance, dishonesty, theft, or fraud. Additionally, no more than three of the members may come from the same political party.

Each Board member will serve for a term of four years. For initial appointments, however, one member will serve a term of two years, and two members will serve three-year terms in order to stagger future turnover.

The Board, in conjunction with LARA, may also hire staff as needed, including a full-time executive director.

Duties of the Board:

The primary duties of the Board are implementing and administering the Medical Marihuana Facilities Licensing Act, making licensing determinations, overseeing the activities of licensed medical marihuana facilities, and working with LARA to promulgate administrative rules relating to the operation, health, and safety of marihuana facilities.

It should be noted that the bill specifically provides that LARA, in consultation with the Board, cannot promulgate a rule capping the number of marihuana facilities in the State.

Licenses:

The bill will become effective 90 days after it is enacted into law.

Three-hundred and sixty (360) days later, individuals and businesses will be able to begin applying to the Board for licenses as growers, processors, provisioning centers, secure transporters, and safety compliance facilities.

When applying for any license, applicants must provide the Board with general identifying information, including information on every person who has an ownership interest in the applicant, as well as criminal, licensing, and financial background information.

As part of the application, the applicant must also notify the municipality in which it would operate that it is seeking a license.

Local control is key! Marihuana facilities may not operate unless the municipality in which they wish to locate has adopted an ordinance specifically authorizing the type of facility.

Municipalities also may limit both the number and type of marihuana facilities allowed within their borders. Those cities, villages, and townships may also pass their own regulations relating to marihuana facilities, including zoning ordinances, but may not contradict state regulation.

Once it receives notice from an applicant, a municipality has 90 days to submit the following information to the Board: (1) the ordinance authorizing the marihuana facility; (2) a copy of any applicable zoning regulations; and (3) a description of any marihuana-related ordinance violations committed by the applicant. Municipalities may also require an annual licensing fee of up to \$5,000.

Certain individuals are ineligible for a license under the legislation, including individuals convicted of or released from incarceration for a felony within the past 10 years, individuals convicted of a controlled substance-related felony within the past 10 years, and individuals convicted of a misdemeanor relating to a controlled substance violation, theft, dishonesty or fraud within the past five years.

Additionally, until June 30, 2018, individual applicants must have been a resident of the State for the immediately preceding two years in order to be eligible for a license. Also, before a license can be granted or renewed, an applicant or licensee must demonstrate that they can cover at least \$100,000 worth of liability for bodily injury to lawful users resulting from the manufacture, distribution, transportation, or sale of adulterated marihuana or marihuana-infused products.

In reviewing applications, the Board must conduct a thorough background investigation on all applicants.

Once issued, licenses are valid for one year and renewable annually, and may not be sold, transferred, or purchased without the approval of the Board.

The bill creates five new types of licenses:

Grower:

A grower is defined as an entity that cultivates, dries, trims, or cures and packages marihuana.

The bill creates three separate classes of grower licenses, each authorizing the facility to cultivate a defined number of plants:

- Class A: Up to 500 Plants
- Class B: Up to 1,000 Plants
- Class C: Up to 1,500 Plants

The bill defines the term “plant” to include “any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.”

Growers may only sell marihuana seeds or marihuana plants to other growers, and other forms of marihuana may only be sold to a processor or provisioning center.

Growers and their investors may not have an interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each grower must employ an individual who has

at least two years' experience as a registered primary caregiver. However, no grower or employee of a grower may be a licensed caregiver at the time that he or she is licensed as, or employed by, a grower. Moreover, a grower may only operate in an area that is either not zoned or zoned for agricultural or industrial use.

Processor:

A processor is an entity that extracts resin from marihuana or creates and packages marihuana-infused products.

A processor license authorizes an entity to purchase marihuana from a grower and to sell processed marihuana or marihuana-infused products to provisioning centers.

Processors and their investors may not have any interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each processor must employ someone who has at least two years' experience as a registered primary caregiver. However, no processor or employee of a processor may be a licensed caregiver at the time he or she is licensed as or employed by a processor.

Secure Transporter:

A secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase and sale of marihuana between facilities.

All marihuana that is transported between facilities must be shipped by a secure transporter.

The secure transporter cannot transport marihuana for a sale to a patient or a primary caregiver.

In order to be eligible for a secure transporter license, an applicant and its investors cannot have an interest in any other medical marihuana facility, and may not be a registered patient or caregiver.

Secure transporters must comply with all of the following requirements:

- All drivers must have chauffeur's licenses issued by the State.
- No employee can have been convicted of or released from incarceration for a felony within the past five years, or have been convicted of a controlled substance-related misdemeanor within the same time period.
- Each vehicle used by the secure transporter must be operated by a two-person crew, with at least one individual remaining with the vehicle at all times when transporting marihuana.
- For every trip involving the transport of marihuana, a route plan and manifest must be entered into the statewide monitoring system, and a copy must be kept inside the vehicle at all times and made available to law enforcement upon request.
- All marihuana must be kept in one or more sealed containers that are not accessible during transit.
- All vehicles used to transport marihuana must not have any markings that would indicate that the vehicle is carrying marihuana.

Provisioning Center:

A provisioning center is an entity that sells or provides marihuana to patients and caregivers.

A provisioning center may receive marihuana only from a grower or processor, and may only transfer marihuana to a qualifying patient, registered primary caregiver, or safety compliance facility.

Applicants and provisioning center investors may not have an interest in either a secure transporter or safety compliance facility.

Provisioning centers must comply with all of the following:

- Make sales to patients only after the marihuana has been tested and labeled.
- Enter all transactions, inventory, and other required information into the statewide monitoring system.
- Check that all patients sold to are listed as valid cardholders in the statewide monitoring system and will not exceed any daily purchasing limits set through rulemaking.
- Not sell alcohol or tobacco, or allow the consumption thereof on the

premises.

- Not allow a physician to conduct medical examinations on the premises for the purpose helping individuals to obtain a registry identification card.

Safety Compliance Facility:

A safety compliance facility is a laboratory that tests marihuana for contaminants, as well as for THC and other cannabinoids.

For testing purposes, a safety compliance facility may receive marihuana from any marihuana facility or up to 2.5 ounces from a primary caregiver.

However, a safety compliance facility may only return marihuana to a marihuana facility, not to a primary caregiver.

Within one year of receiving a license, a safety compliance facility must be accredited by an entity approved by the Board, or have previously provided drug testing services to the State or the State's court system and be a vendor in good standing in regard to providing such services.

Additionally, safety compliance facility license applicants and investors may not have interests in any other medical marihuana facility. Safety compliance facilities must also have at least one employee with an advanced medical or laboratory science degree.

Safety compliance facilities must comply with all of the following:

- Perform tests to certify that marihuana is reasonably free from chemical residues.
- Use validated test methods to determine THC and other cannabinoid levels
- Perform tests to determine whether marihuana complies with microbial and mycotoxin content standards established by LARA.
- Perform other tests as prescribed by rulemaking.
- Hold a second laboratory space that is inaccessible to the general public.

Lastly, a "statewide monitoring system" will be put into place. An Internet-based, statewide database will be established, implemented, and maintained by LARA, that is available to licensees, law enforcement agencies, and authorized state department and agencies on a 24-hour basis for verifying

registry identification cards, tracking marihuana and transportation by licensees, including transferee, date, quantity and price, and verifying in commercially reasonable time that the patient or caregiver is authorized to receive under section 4 of the Michigan Medical Marihuana Act.

HOUSE BILL 4827:

House Bill 4827 requires LARA to establish, maintain, and utilize (either directly or through contract) a “seed-to-sale” tracking system that will track all marihuana that is grown, processed, transferred, stored, or disposed of under the Medical Marihuana Facilities Licensing Act (marihuana grown by caregivers will not be within the seed-to-sale system.)

HB 4209 requires all licensees to use a third-party inventory control and tracking system that will allow them to interface with the statewide monitoring system in order to enter and access information.

Taxes, Fees, and Funds:

The bill establishes a 3 percent tax on the gross retail receipts of all provisioning centers. This revenue will be deposited into the Medical Marihuana Excise Fund and distributed as follows:

- 25 percent to municipalities in which facilities are located, allocated in proportion to the number of facilities within the municipality.
- 30 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county.
- 5 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county, and earmarked specifically for the county sheriff.
- 30 percent to the State. Until September 30, 2018, this money will be deposited in the General Fund, and thereafter, the money will be deposited into the State’s First Responder Presumed Coverage Fund, which is used to provide funding for firefighters who develop certain types of cancer.
- 5 percent to the Michigan Commission on Law Enforcement Standards.
- 5 percent to the Michigan State Police.

The bill also creates a regulatory assessment to be imposed upon all licensees except safety compliance facilities.

The assessment will be calculated annually to cover the costs of medical marihuana-related services provided by various State departments, to provide funds for substance abuse-related programs, to cover expenses related to field sobriety tests, and to provide for the administrative costs of the Michigan Commission on Law Enforcement Standards.

Each applicable facility will then pay a proportionate amount of the assessment, which will go into the newly-created Marihuana Regulatory Fund.

HOUSE BILL 4210:

Marihuana Infused Products:

The bill amends the MMMA to allow for the possession, manufacture, and use of marihuana-infused products, such as foodstuffs, oils, lotions, etc.

Under the bill, a patient or his or her caregiver will be able to possess up to 2.5 ounces of combined usable marihuana and “usable marihuana equivalent,” which is the amount of usable marihuana in a marihuana-infused product.

HB 4210 sets the following as equivalent to one ounce of usable marihuana:

- 16 ounces of marihuana-infused product in a solid form
- 7 grams of marihuana-infused product in a gaseous form
- 36 fluid ounces of marihuana-infused product in a liquid form

The bill also establishes a rebuttable presumption that any weight listed on the packaging of a marihuana-infused product is accurate.

Also under the bill, a patient will be able to possess, for example, 16 ounces of marihuana-infused brownies or marihuana-infused water and an additional 1.5 ounces of usable marihuana.

HB 4210 provides protections for patients and caregivers who manufacture or possess marihuana-infused products consistent with the language in the bill.

Moreover, HB 4210 protects patients and caregivers from arrest, prosecution, or penalty for purchasing marihuana from a provisioning center, selling marihuana seeds or seedlings to a licensed grower, or transporting marihuana to and from a safety compliance facility for testing.

The bill also prohibits a patient or caregiver from transporting a marihuana-infused product in a motor vehicle, unless one of the following circumstances is met:

- A patient is transporting a marihuana-infused product in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, and date of manufacture and receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marihuana-infused product in a case that is accompanied by an accurate manifest that states the weight of the product, name and address of the manufacturer, date of manufacture, destination name and address, date and time of departure, estimated date and time of arrival, and, if applicable, name and address of the person from whom the product was received and the date of receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marihuana-infused product for his or her child, spouse, or parent, and the marihuana-infused product is in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, name of the qualifying patient, and date of manufacture and receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.

An individual who violates any of these transportation requirements is responsible for a civil fine of no more than \$250.

The bill also prohibits a medical marihuana patient from operating a snowmobile or ORV while under the influence of marihuana, just as the

MMMA already prohibits a patient from operating a motor vehicle, aircraft, or motorboat under the influence of marihuana.

Moreover, HB 4210 also prohibits the use of butane to extract marihuana resin in a public place, motor vehicle, or a residential structure or its curtilage.

A person who does either will not be able to assert a Section 8 affirmative defense against any criminal charges arising from operating a vehicle under the influence of marihuana or unlawfully conducting butane hash oil extraction.

Lastly, retroactive application of this bill does not create a cause of action against a law enforcement officer or any other state or local governmental officer, employee, department, or agency that enforced this act under a good-faith interpretation of its provisions at the time of enforcement.

Conclusion

Within three months of the effective date of the Act, the Governor must appoint members of the Marihuana Advisory Panel, which consist a group of government officials, representatives of the cannabis industry, local law enforcement, and municipalities who will make recommendations to the Board regarding the promulgation of rules. That panel must first meet within one month of being appointed.

Additionally, rules must be promulgated as applicants can begin applying for licenses 12 months after the bill is signed. Language was included in an enacting section of HB 4209 to allow LARA to begin promulgating emergency rules.

Moreover, SB 1014 also passes on September 8, 2016, which will allow rules relating to the Medical Marihuana Facilities Licensing Act to sidestep the rulemaking process until January 1, 2017.

**PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
(ORDINANCE NO. 845)**

MEDICAL MARIHUANA DISPENSARIES

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township Hall on November 7, 2011, beginning at 7:30 p.m., the following Ordinance was offered for adoption by Board Member Weldon, was seconded by Board Member Hagedorn:

AN ORDINANCE TO AMEND CHAPTER 2, "DEFINITIONS" AND CHAPTER 3 "GENERAL PROVISIONS" OF THE PLAINFIELD CHARTER TOWNSHIP ZONING ORDINANCE BY AMENDING PROVISIONS REGARDING MEDICAL MARIHUANA DISPENSARIES.

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1 That Chapter 2 of the Plainfield Charter Township Zoning Ordinance is amended to add Section 2.86A. This section shall read in its entirety as follows:

SECTION 2.86A MEDICAL MARIHUANA DISPENSARIES. Any business, facility, association, cooperative, location, operation, whether fixed or mobile, whether profit or nonprofit, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

1. A registered primary caregiver (as defined by Michigan Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A registered qualifying patient (as defined by Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary caregiver person dispensing to not more than five qualified patients in strict accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules, and regulations.

A medical marihuana dispensary shall also not include smoking, consuming, or use of medical marihuana by a primary qualifying patient in strict accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance as all other applicable Township ordinances and applicable Michigan federal laws, rules, and regulations.

A medical marihuana dispensary shall also not include the following uses that are in compliance with this Ordinance and laws and rules in the State of Michigan, and intended for the on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

Section 2 That Chapter 3 of the Plainfield Charter Township Zoning Ordinance is amended to add Section 3.34. This section shall read in its entirety as follows:

SECTION 3.34 MARIHUANA DISPENSARIES It is unlawful to establish or operate a medical marihuana dispensary defined in Section 2.86A in this Ordinance.

Section 3 Effective Date This ordinance shall be effective thirty days after publication in the manner provided by law.

Yeas: Hagedorn, Stover, Harvey, Bottema, Matthews, Weldon, and Meek

Nays: None

Absent: None

Motion carried Ordinance #845 declared adopted.

K. Scott Harvey
Plainfield Charter Township Clerk