



AGENDA
Committee on Public Safety
Wednesday, February 15, 2017 @ 3:30 p.m.
City Hall, 10th Floor
Updated

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

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - February 1, 2017
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - A.) ORDINANCE –Medical Marihuana Licensing-
Version - *February 9, 2017 City Attorney*
 - B.) City Attorney Update – Medical Marihuana Moratorium Log
6. **Adjourn**



MINUTES
Committee on Public Safety
Wednesday, February 1, 2017 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:36 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair

Councilmember Carol Wood, Vice Chair

Councilmember Tina Houghton, Member- arrived at 3:40 pm

OTHERS PRESENT

Sherrie Boak, Council Staff

Jim Smiertka, City Attorney

Mark Dotson, Assistant City Attorney

Kathy Miles

Jon Miles

Mary Ann Prince

Richard Williams

David Kenney

Stan Shuck

James Carter

Steve Green

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM DECEMBER 16, 2016 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Moved to the end of the meeting until agenda items have been addressed.

DISCUSSION/ACTION:

ORDINANCE – Home Occupation; Amendments to Chapter 1460

Councilmember Hussain explained as the Chair of Public Safety we are dealing with issues from the previous year and one is the Home Occupation; Amendments to Chapter 1460.

Councilmember Hussain proceeded to read the introduction of the Ordinance. In to the record.

“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 gasses, fumes, smoke or odors outside of the building or structure and across the building or structures property line; and to provide civil infraction penalties for noncompliance with Section 1460.04.”

The Committee ask law to draft the ordinance which would help with some of problems created in neighborhoods with regards to Home Occupations. Law in turn worked with the BWL, the Lansing Fire Department and this Committee to address the intent. The intent is to protect neighborhoods from fires, odor, etc. It was noted that the LFD does state the whether a fire is the result of home occupation, but that they were electrical fires from large usage that exceed what wattage that was coming into the house. This ordinance would apply to any home occupation that exceeds the wattage listed in the Ordinance. Councilmember Hussain continued by outlining the dates when the Committee started working on this in 2016, then the Public Hearing on January 30, 2017. If the Committee has no objections, Councilmember Hussain’s intent is to have the ordinance move to Council for adoption on February 13, 2017.

Councilmember Wood asked Mr. Smiertka how the ordinance would be enforcement. Mr. Smiertka noted it would be investigated with the LFD and LPD, and they would determine if there were public safety dangers because of a Home Occupations based on the use of electricity or smell and odors. The current ordinance dealing with Home Occupations references noxious odors which is still an issue so that was also incorporated into the ordinance. He noted that if there is any Home Occupation that exceeds that 3500 KWH there should be an inspection for safety reason, and that is what this ordinance is about. The only penalties would be if there is a failure to register. This is for all Home Occupations per the definition of the code. This will be complaint driven or found under a fire or other inspection. The complaints will come to the City Attorney office, and then they contact the owner of the property/landlord, and determine if there needs to be an inspection. Based on a probable cause of reasonable suspicion it would then go to a Judge. Councilmember Wood asked about obtaining administrative search warrants for code complaints, and Mr. Smiertka agreed that is the standard practice.

Councilmember Houghton asked questions on registration, addressing a complaint on exceeding the wattage, and what to address if the home owner states they have no Home Occupation. Mr. Smiertka reiterated that enforcement will be complaint driven which could include fire, police, building and zoning departments, etc. The facts and circumstances would be considered for each case, and if someone states they do not have a Home Occupation Law would ask for a voluntary inspection to verify. The registration is for the purpose of inspection for safety purposes. The registration would stay with the home, so if they move they need to apply for the new home. Lastly Councilmember Houghton asked about the sunset clause of 5 years, and why.

Councilmember Wood answered that was the request of the Fire Department and BWL for 5 years to re-evaluate to see if the needs had changed.

MOTION BY COUNCIL MEMBER WOOD TO MOVE THE ORDINANCE TO COUNCIL FOR CONSIDERATION AT THE FEBRUARY13, 2017 MEETING. MOTION CARRIED 3-0.

DISCUSSION – Ordinance Amendments to Chapter 1460:
Concerning payment of back taxes in connection with rental certificate

Councilmember Hussain noted that the amendment is in an existing code, therefore the only addition is on page 1, line 14-15; “appropriate fees have been paid and verification that real

property taxes are not delinquent.” Councilmember Wood added that the changes were brought on by comments from the public and discussions during the 2016 Ad Hoc on Housing meetings as well of questions of other licenses given by the City. All other licenses require the applicant to be current with the City on taxes.

Mr. Smiertka referenced a case law from Muskegon, and cited “ Landlord and Tenant; Constitutional and statutory provisions; Encouraging prompt payment of property taxes to minimize fiscal problems associated with delinquent taxes on rental properties and promoting appropriate maintenance of rental properties with legitimate governmental objectives and ordinance requires, as condition for issuance of certificate of compliance allowing rental of residential dwelling, that all past due property taxes must have been paid was rationally related to those objectives; thus ordinance did not violate equal protection, even though other businesses that had to register to do business in city were not required to pay real estate taxes before securing certificates of registration, where residential properties were disproportionately delinquent compared to other classes of property.”

MOTION BY COUNCILMEMBER WOOD TO SET A PUBLIC HEARING FOR FEBRUARY 27, 2017 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 1460. MOTION CARRIED 3-0.

Councilmember Wood asked for confirmation that once the ordinance goes into effect it will apply to all new rentals registration and at the time of renewals. Mr. Smiertka confirmed.

ORDINANCE – Draft #6A- Medical Marihuana Licensing

Councilmember Hussain read the Legislative Intent of the Ordinance.

“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 provision centers, medical marihuana grower facilities, medical marihuana 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, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

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 or in the Lansing City Charter at Section 8-501.”

Councilmember Hussain continued with an overview of the work that was done over the last few years, including multiple attorneys working on it, and recent changes to the State law. The current version in front of the Committee was the last version (Draft 6A) this Committee approved. In October, 2016 the Committee sent that version to the Planning Board for their review on the zoning and recommendations on such. At that time the City Attorney asked for 60 days. The Planning Board tabled the ordinance, and since that time the Public Safety Committee had pulled back the ordinance to this Committee. The current agenda item on this topic is to get an update from the City Attorney office. Councilmember Wood added that a public hearing was not set for the Draft #6a.

Mr. Smiertka provided his update. This began with the clarification that that ordinance was sent to the Planning Board because State law requires they respond to and review zoning changes. This proposed ordinance is a mix of licensing and zoning. So will be in the zoning

code and will also have a “facility licensing” provision. The Planning Board can review and making recommendations to the public body. The Committee does not have to adopt the changes. He confirmed that the Planning Board did send comments to Law to address certain issues, mainly about their concern with exclusion features of the ordinance. The Planning Board will meet again on February 7, 2017 at which point Mr. Smiertka state he would provide them with recently updated maps for their zoning review only. Mr. Smiertka did acknowledge that he had recently (the night before this meeting) completed the most recent draft of this ordinance, however was not ready to present it to this Committee. He noted the new draft of the ordinance mirrors many of the provisions or syncs with the State law. There is an expanded definition put in hold-harmless to alleviate concerns with Federal law violations, and they did look at other cities. When reviewing other cities they looked at other city distance requirements, but in addition looked at comments from the City of Lansing, public, neighborhoods, and reached out to caregiver groups. Mr. Smiertka stated that the City Attorney office intent is now to have the Planning Board look at distance setbacks and report back to Committee. Again he noted that the Committee is no bound by their comments. A provision in the ordinance is for the Clerk’s office to handle the licenses, however the Clerk has informed his office that they will need 4 months to get ready to license. It should be noted, Mr. Smiertka stated that the State has a Licensing Board now, and no one can be given a license in the City of Lansing, unless they have a License from the State. Procedurally they have to have a State license before the City is effective. Mr. Smiertka clarified again that the City can no allow unless the State has issued their license.

Councilmember Wood asked if Mr. Smiertka planned to provide the most recent ordinance to the Planning Board, because her opinion would be that this Committee should see it first. Mr. Smiertka stated he could only provide the Planning Board with the zoning maps to review. Councilmember Hussain agreed noting that it is the best practice is to allow Council to deliberate first.

Mr. Dotson stated his opinion that the City could issue licenses since the City ordinance will be in effect before the State is up and running their program, which he believes would be 2018. And then once the State has their program working the applicants would have two licenses. Mr. Smiertka informed the group that his understanding is the State already has their Commission have met once.

Based on Mr. Dotson’s comments the Committee was confused on if the City issued a license now, and then the State denied what the City could do about it. Mr. Smiertka reiterated that the City will not issue unless the State has issued a license, and that is all addressed in the recent version he mentioned earlier that he had completed the night before this meeting. There is a provision that states they must have a State license. The City will synchronize the effective date with the ability of a license of the State. The applicant can apply with the City if the process is ready before the State; however it will not go into effect until the State license is obtained. Mr. Smiertka added that under the new ordinance, the City will license all operations. If one opens with no license, the LPD or County Prosecutor would investigate to see if it is in compliance and/or protected. If not, then the issue would be if the Prosecutors Office wants to enforce the State Marihuana Law. It would all depend on the facts and circumstances.

Councilmember Hussain asked Mr. Smiertka when the recent version of the Ordinance he keeps referencing would be available to the Committee. Mr. Smiertka admitted his office was still proofing and performing an analysis. He hoped for within a week. He confirmed again he would only take the zoning map to the Planning Board. Councilmember Hussain asked that the City Attorney office provide the recent draft he referenced for the next meeting, and not minutes, hours, but at least 48 hours. He was asked if he could provide it one week before the

meeting so it could be in the Committee packet, and he stated he could. Councilmember Houghton asked if it wasn't provided it would be moved to a later agenda, and Councilmember Hussain noted that Law had stated they could provide in a week for the packet, so it should be done.

Public Comment

Ms. Miles spoke in support of passing ordinance as soon as possible, then questioned if the moratorium was being enforced. She stated and Council Member Wood confirmed that two properties were report by Nancy Mahlow and will be forwarded to Law.

Mr. Shuck spoke in opposition to the proposed Medical Marihuana Ordinance citing his opinion that it violates HIPPA, that there needs to be further research on scientific evidence, and then voiced a concern on the enforcement of the odor portion.

Mr. Williams spoke in opposition to the earlier amendments to the Ordinance on rentals, citing his belief that the taxes are always collected by the treasurer collects. Council Member Wood informed Mr. Williams that the hearing was set at this meeting, but it will be back to this Committee before passage.

Mr. Carter spoke in opposition to the medical marihuana ordinance and felt it is taking rights away. He then spoke in opposition to odor inspection and complaint process.

Mr. Green spoke in opposition to the medical marihuana ordinance and cited the state law.

Council Member Hussain asked Mr. Dotson if he had received any recent complaints, and Council Member Wood stated she had not provided him with the newest ones mentioned earlier. Mr. Dotson had no response.

ADJOURN

The meeting was adjourned 4:59 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.

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

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

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

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

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

“BUFFERED USE” MEANS A USE SUBJECT TO THE BUFFERING AND DISPERSION REQUIREMENTS OF SECTIONS 1300.13 (A) AND 1300.13 (E).

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

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

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

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

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

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

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

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

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

“MEDICAL MARIHUANA ESTABLISHMENT, OR “ESTABLISHMENT,” MEANS ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER AND POSSESSES A LICENSE TO OPERATE UNDER THE MMFLA, INCLUDING A MEDICAL MARIHUANA PROVISIONING CENTER, OR A MEDICAL MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR FACILITY, A MEDICAL MARIHUANA SECURE TRANSPORTER, AND A MEDICAL 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
46 COMMISSION FOR CONSIDERATION, OR IS NOTIFIED THAT THE STATE

HAS REJECTED THE PROPOSED LOCATION AND/OR OPERATOR FOR A LICENSE TO OPERATE UNDER THE MMFLA, ANY AND ALL PERSONS OPERATING THE MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE OPERATIONS WITHIN 30 CALENDAR DAYS FROM THE DATE OF ANY OF THE FOREGOING NOTIFICATIONS.

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

1300.5 – LICENSE APPLICATION SUBMISSION.

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

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

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

(2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING DESIGNATION OF A STAKEHOLDER AS AN EMERGENCY CONTACT PERSON AND CONTACT INFORMATION FOR THE EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION, INTERNAL REVENUE SERVICE SS-4 EIN CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OF THE APPLICANT, IF A LIMITED 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

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

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

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

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

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

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

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

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

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

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

1300.6 - LICENSE APPLICATION EVALUATION.

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

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

- (1) WHETHER THE REPORTS ISSUED BY THE FIRE, POLICE, BUILDING SAFETY, ZONING AND TREASURY DEPARTMENTS INDICATE THAT THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE SATISFIED THE REQUIREMENTS OF 1300.5 (E) (1-4) AND SUFFICIENTLY ADDRESSED THE CONSIDERATIONS OF 1300.5 (B) (1-26).
- (2) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;
- (3) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ARE PERSONS OF GOOD CHARACTER, HONESTY, AND INTEGRITY 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.

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.;
44

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 **1300.14 - DENIAL AND REVOCATION.**

25
 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.

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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.**