



AGENDA
Committee on Public Safety
Tuesday, May 2, 2017 @ 3:30 p.m.
City Hall, Council Chambers

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

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - April 5, 2017
 - April 18, 2017
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - A.) DISCUSSION- Draft Ordinance #6C–Medical Marihuana Licensing
 - B.) DISCUSSION – Medical Marihuana Moratorium
6. **Other**
7. **Adjourn**



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

CALL TO ORDER

The meeting called to order at 3:34 p.m.

ROLL CALL

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Heather Sumner, Assistant City Attorney
Mark Dotson, Deputy City Attorney
Mary Ann Prince
Kath Miles
Jon Miles
Elaine Womboldt
Teisah Doyle
Rev. Jeremy Hall
David Dodson
Rich Hall
Lee Klein
Bryan Maylow
Brant Johnson

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MARCH 15, 2017 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MARCH 30, 2017 AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION:

ORDINANCE DRAFT #7 Medical Marihuana Licensing

Council Member Hussain provided a history of the process of the recent ordinance, with draft 7 being reviewed 3 weeks prior at which the Committee vetted the first 16 pages. Since that time, Council Member Hussain stated he had received a communication from the City Attorney that there was additional language that needed to be added.

Mr. Smietka then presented his findings from attending a recent conference where he had conversations with the LARA Director. One of the issues was that performance standards for different centers should be put in the ordinance at a local level or subject to the license at the State. Under the State Facilities Act, there are performance standards for difference centers. In Draft 7 a lot of those issues should be handled by the State, and in preparing Draft 7 those were taken out. Mr. Smiertka admitted that he had asked the Director of LARA, and her recommendation was to put the performance standards in the local ordinance because the State Commission has not been appointed yet and they would need time to get organized, and would not be addressed at the state level until 2018.

Council Member Wood stated her concern that the Committee worked on and moved draft 6a based on direction and review by the City Attorney incorporating points that duplicate the State. She pointed out that then the City Attorney took those points out of Draft 7, however the City Attorney was asking to place them back in. Therefore Council Member Wood asked the Committee to consider going back to the Draft 6a version. Another topic to consider, Council Member Wood suggested looking at other municipalities because some only allow dispensaries, some only allow grow facilities.

Council Member Hussain went over the timeline of the ordinances that have addressed medical marihuana, which includes the 2011 ordinance which is still on the books, and the City Attorney has deemed enforceable. That ordinance has a cap on dispensaries at 48. In 2013 the State Supreme Court upheld the State Attorney General. Dispensaries then were closed, but with no enforcement they started to open up again. In 2016 the Council started again to address the issues and in doing so reached out to patient advocacy groups, medical dispensaries and neighborhoods. The timeline continued in September 2016 when the Committee passed the final draft to the Planning Board for their zoning review. On October 4, 2016 the City Attorney asked for 60 days to review the ordinance again, and with recent State legislation, the City Attorney thought the ordinance should comport to State law. Council Member Hussain asked the question on why the Planning Board reviewed the complete ordinance when the State only allows them to review the zoning, and then concluded his overview of the timeline noting that Draft 7 was presented back to the Committee in early 2017.

Council Member Hussain offered options to the other Committee members to consider, including continuing to vet Draft 7; revert back to Draft 6a and make changes to reflect the State laws and Act; lastly the option to acknowledge that the current ordinance is on the books and amend the language to reduce from 48 dispensaries or lower. Council Member Hussain pointed out that the current ordinance has been deemed by the City Attorney to be legal and enforceable.

Mr. Smiertka wanted the Committee to know that when his department were working on the ordinance in 2016, there were also draft bills in the legislature and they tried to comport with those bills which eventually became law. One of those bills was the charge of the Commission and the review of the performance standards. Mr. Smiertka then pointed out that since that time, those items have changed at the State level because the State will not be able to get to that part because of timing, therefore Mr. Smierkta at this time was asking for the

performance standards to be added back in to the ordinance. Mr. Smiertka then defended the earlier 60 day review request form 2016 was to look at definitions in Draft 6a, to make sure no elements of vagueness.

Council Member Wood pointed out that the definitions for parks and play grounds were never a discussion in Draft 6a, and there is already a clear definition in the Charter and Master Plan, and so asked what information was additional. Mr. Smiertka defended it was to make consistency and eliminate any vagueness. Mr. Smiertka went on to speak on the Draft 7 where he placed a reserve section for the Committee to decide if they want to put in a "Commission".

Council Member Hussain provided his opinion that additional definitions is not an issue, but there seemed to be an ongoing back and forth discussion and recommendations from Law, and therefore he was leaning towards going back to Draft 6a, which the Committee had already taken the time to make sure it comported with the State and also had approached the community on for discussion. Council Member Hussain then voiced his concern again on the role that the Planning Board took during their review what was out of their area to review and comment on. Mr. Smiertka admitted he had not attended the first meeting of the Planning Board review of the ordinance, but he did provide them with direction on their only ability which was to review the zoning issues. In February 2017 he went to the Planning Board with only the three (3) pages in the Draft 7 ordinance that they could review. He assured the Committee at this time that there would be no legal reason to go back to the Planning Board with 6a because they have already had input on that. He added that the only changes he saw to 6a would be definition changes at this point to comply with the State Act.

Council Member Wood asked about the drive-thru window item that was removed from the ordinance. Mr. Smiertka assured them that Law provided information, and the Committee can consider and proceed the way they wish.

Council Member Wood asked Law about the ordinance that is currently on the books and they have told Council is enforceable, what does Law consider that to be now. Mr. Smiertka acknowledged he would have to look at it again and do a review of it before he can determine what would occur under that current ordinance. Council Member Hussain reminded the Committee and Law that in October of 2016 the Committee and Council made a motion to repeal the current ordinance that is on the books and they were advised by Law not to repeal it because it would be better to have something then nothing. Mr. Smiertka confirmed there is something on the books and you could assume everyone is acting in accordance with it.

Council Member Houghton spoke in support of Draft 6a, stating it appeared to be what the City needed, and her opinion would be to provide something concrete and enforceable. She added that there are other Council Members who have an interest that do not sit on this Committee, and the consideration should be given to move the ordinance to another Committee such as Development & Planning where zoning is addressed. Council Member Wood asked for those concerns from other Council Members, but Council Member Houghton did not have specifics, but that all Council Members have an interest in how the Ordinance is written.

Council Member Wood supported moving in the direction of back to Draft 6a making the adjustments that need to be made based on the recent findings by Law from the Director of LARA and any changes to comply with the recent State Act.

Mr. Smiertak stated Law will go back to 6a, but wanted the Committee to know of what he thought were five (5) issues. Those being whether the ordinance would stay in this

Committee, another Committee or Committee of the Whole; whether there will be a Volunteer Commission; how to vet the applications and guidelines on the decisions; the topic of buffering; and the number of locations allowed. And additional topic he mentioned is if the Committee would consider only allowing certain uses, such only grow facilities would be allowed, or only dispensaries would be allowed, or only transporters. He again stated that LARA currently is not closing to setting up their Commission. The ordinance will also now include the item of hold harmless.

Council Member Hussain answered some of the questions on clarifying that the Commission and performance standards have been defined in the draft, the zoning and "child care" were defined, and there have been lengthy discussion on the number of facilities. With that being said, Council Member Hussain spoke in support of going back to Draft 6a with asking the City Attorney to look at the language for the appropriate changes. The Committee will still need to hold the discussion on the question of the Commission.

Mr. Smiertka acknowledged his office will begin work on the original Draft 6a and any debate from other Council Members will have to take place at the Council meeting. Council Member Hussain assured everyone present he would not take the route of discharging to another committee.

Ms. Sumner spoke on the influx in the State with the Department of LARA on their licensing and process for relicensing and Mr. Smiertka added that he was told that LARA will be going back to the legislature with changes.

Council Member Hussain asked Mr. Smiertka how long it would take his office to make the changes back to Draft 6a. Ms. Sumner asked the Committee to consider waiting until after a recent study commissioned by the City Pulse with MSU was done. Council Member Hussain assured her and the public he would not allow the City Pulse to dictate the path the ordinance would take. Mr. Smiertka stated his office could have it done in 2 weeks. There was a discussion on dates and due to scheduling conflicts by the Committee, it was determined not to wait 2 weeks but to have the topic up for discussion at a meeting on Wednesday, April 12th at 4 p.m. Mr. Smiertka stated his office could have it ready then.

The Committee discussed the topic of the "Commission", making the selection, guidelines and role. Council Member Wood supported leaving a place holder in the ordinance "Reserved" for the "Commission". Mr. Smiertka stated his only issue with that was that in Draft 7 where it is written that way; "Reserved", throughout the ordinance they had removed the word "Commission" and replaced it with "Clerk". Council Member Wood supported having a discussion on that when they review Draft 6a again.

The Committee then discussed the recent moratorium, businesses still opening or relocating, and obtaining a list. Mr. Smiertka suggested they could ask for a list to be compiled asking all current business inform them so they can create a "confirmed list". Council Member Houghton asked if the business replied would that give them any grandfathering rights. Mr. Smiertka stated they would still have to put in for registration so they can be checked. His office will have to discuss and plan the proper procedures to address this and the time line with the recent moratorium. The process can be discussed at the April 12th meeting.

Council Member Hussain started a discussion on the bill board signage and the window signage. Ms. Sumner admitted the Law office reviewed ordinance, where they found that in the downtown area they can have no more than 20% coverage. The Law office is continuing the research and considering proposing that same regulation throughout the entire City. She noted, that one issue they are also researching is the businesses who have franchise

agreements that require full window signage. In regards to the billboards that speak to “High Lansing”, Law does not see any way to address the billboard without a violation on their freedom of speech. Council Member Wood asked Mr. Smiertka if Draft 6a would speak to signage. Mr. Smiertka confirmed it would speak to the distance requirements in the zoning section, and under the Michigan Medical Licensing Act states that the “Commission” has permission to address with signage.

PUBLIC COMMENT

Ms. Doyle spoke in support of medical marihuana and distributed reports to the Committee. Ms. Doyle asked that the Committee consider limiting commerce.

Rev. Hall spoke in support of the medical assistance and medical marihuana usage.

Ms. Miles referenced statistics on the medical marihuana in Colorado, supported draft 6a and the 2011 ordinance current on the books, and disagreed with the proposed buffering distance. Kathy miles- ref. statistics on med. Mari in Colorado. Support committee in the planning

Council Member Wood stepped away from the meeting at 4:46 p.m.

Ms. Prince spoke in support of an ordinance to regulate, and asked if the Committee could vote to not allow for any.

Mr. Dodson, resident from Ann Arbor, asked for details on the buffer from other facilities.

Mr. Hall acknowledged the Committee for their work, and referenced Section 1300.17 of Draft 7 and the distance between relevant facilities.

Council Member Wood returned to the meeting at 4:50 p.m.

Mr. Hall noted that there was nothing in the ordinance that defined *relevant facility*.

Ms. Womboldt spoke in support of the draft 6a, asked law if the current ordinance is active when they will start licensing current in the ordinance.

Mr. Klein asked who will draft the rules and regulations for the Commission, asked the Committee what the basis was for their decisions. Mr. Klein concluded with his belief that what is occurring in Colorado is working well.

Mr. Maylow spoke on behalf of the health industry and medical marihuana industry.

Mr. Johnson asked about the drive thru options and their limits. Mr. Johnson then asked if the moratorium would lifted for the businesses to participate.

Council Member Hussain acknowledged all the public comment and also confirmed that there has been an ordinance in place since 2011 and the business could be closed but have not. The State of Michigan gave the permission to the local government to determine what and where, and Draft 6a reflects that.

Regarding drive-thru, Mr. Smiertka stated it would be considered under zoning, as is similar to any other business who has a drive-thru. This Committee he stated could address a policy issue.

Council Member Wood pointed out to the public that the Ordinance from 2011 had a cap on the number and never received a law suit.

Council Member Hussain reminded the public and Committee that the next meeting would be April 12th at 4 p.m.

ADJOURN

The meeting was adjourned 5:07 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: _____



MINUTES
Committee on Public Safety
Tuesday, April 18, 2017 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:32 p.m.

ROLL CALL

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Heather Sumner, Assistant City Attorney
Mark Dotson, Deputy City Attorney
Mary Ann Prince
Lee Klein
Rev. Jeremy Hall
Harriet Clauson
Mary Ellen Purificato
Travis Pollock
Kathy Miles
Bryan Madle

MINUTES

Action on the minutes moved to the next meeting.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION:

ORDINANCE DRAFT #6b Medical Marihuana Licensing

Council Member Hussain recapped the process from 2016 into 2017 with Draft 6a and Draft 7. Draft 7 was vetted up to page 15, however after details from the City Attorney, the Committee chose at the last meeting to revert back to Draft 6a with the assertion of newer definitions and recent language changes from the State legislature.

Mr. Smiertka confirmed that the recent draft, 6b dated April 17, 2017, was a replication of 6a out of this committee in 2016 and what went before the Planning Board, now with updates to

comport with the new Medical Marihuana Facility Licensing Act and Tracking Act. Mr. Smiertka then took the Committee through the highlighted changes beginning on page 2 with the addition of “medical marihuana secure transporters; and the addition of referencing the Act. Page 3 added conforming language, in addition to page 4 speaks to the definition on cultivation which was summarized. The reference to Michigan Medical Marihuana Care Giver Center was removed, and even though there was a request to add “compassion groups”, it was not added because there was nothing in the State law. The only changes on Page 5 spoke to changes made to make the language consistent for licensing. It was noted that Page 6-7 only had cosmetic changes and the addition of “present” at a meeting for quorum.

Council Member Hussain began the discussion on the “commission”, and asked in terms of the Committee on Public Safety, if the consensus was to have a “commission”. Council Member Wood stated her opinion that after seeing the changes in draft 7 with the Clerk and provisions for the Clerk to have adequate staffing and ability to hire people to vet those applications, she was now comfortable to repeal that section on “commission” and keep it as a *RESERVE* for the future.

Council Member Houghton asked for a history on what the discussion was in 2016 and what the public thought. Council Member Wood told her that it was put in to be consistent with the State Legislation at that time, and they did not hear any angst from the public when it was removed. Council Member Houghton stated her agreement to having it removed. Mr. Smiertka stated that since draft 6a had the Commission, the current draft 6b refers to the Commission, so his office will have to make the changes to reflect draft 7 references to the Clerk and not the Commission. Council Member Wood asked if there will be a hearing process similar to the Cabaret License process. Mr. Smiertka confirmed that the process currently written has the appeal to Council. The consensus of the Committee was to follow the same process as Cabaret License. Mr. Smiertka recapped the suggested changes, those being to take out “Commission”, have the Clerk handle everything, and in the case of denial or revocation the Clerk can appoint a revocation officer and report back to the Clerk. Council Member Wood asked that any denial, revocation or appeal go through a hearing officer then that recommendation come to Council. Mr. Smiertka confirmed he would amend the ordinance to reflect that, and asked if the Committee wants to review on the record or review with no ability to offer new evidence. The consensus was for review only by Council and on the record.

Mr. Smiertka continued his review of the changes presented in draft 6b. Page 8, 1300.5 added the hold harmless provision and added to any application. The next changes were not until page 13 which added in elected, appointed officers, employees and agents as additional insured. Council Member Hussain referred to line 14 on that page and if \$1 million was a consistent amount. Mr. Smiertka confirmed it was, and the language is standard and the amount is considered under liability. Other changes in the pages up to page 20 were formatting changes. Page 20, lines 29 and 31 added the word “grower” because was missing from the first draft.

On page 26, starting on line 27 1300.13 was the distance buffers which was in the original draft 6a. Council Member Hussain asked if school covers “pre-k”, and if it follows the 1,000 ft. safe school zone. Mr. Smiertka again confirmed it had come from the last ordinance adopted which is generally following the drug free zone at schools. Council Member Hussain asked for maps when the Committee does the final vetting of the ordinance.

Page 28 spoke to changes for clarity, and reminded the Committee that anywhere “commission” is used they will remove and replace with “Clerk”. Page 29 added “Mayor” on line 26, 29 and 34 and added in hearing notice and suspension.

The Committee began their questions to Law on the newest draft. Council Member Wood referred to page 3, which was missing the “application and application for license renewal” that was present in draft 7. Mr. Smiertka stated he refrained from putting any definitions from draft because the Committee wanted to go back to draft 6a. Council Member Wood asked that the definitions she had just referenced as missing be added in, also the definition for “church”. Council Member Hussain asked Mr. Smiertka to add all definitions from draft 7. Council Member Wood asked that there was an extensive definition in draft 7 for “medical marihuana” and she wanted that added. Council Member Wood asked for the “park” definition be added back in as well, and Council Member Hussain asked them to include “pre-k and head start” in the definition for school.

Council Member Houghton asked what would happen if a day care moved next door to a provisioning center. Council Member Wood stated her opinion that there was nothing that could be done because the day care chose to move next to an established business. Mr. Smiertka suggested adding “existing establishments” to make sure it clear, and can also be added in the application.

After no further questions or comments from the Committee, Council Member Hussain stated the next meeting would be May 2, 2017 at 3:30 p.m. and the ordinance will be titled Draft 6c for reviews. Law was asked to provide that ordinance at least 48 hours before the meeting.

Moratorium

Council Member Hussain noted for the Committee and public that the moratorium has been in place since May 2, 2016, and per the City Attorney’s office there have been no violations. Initially the City Attorney office stated that when the moratorium was enacted, the registration piece could not occur, however recently at the April 2017 committee meeting it was stated by Law it could.

Mr. Dotson addressed a concern of whether the City Attorney or the City could keep a list of the active/open dispensaries, stating he was not aware that the City should not have a list. Council Member Wood recapped for Mr. Dotson that Mr. Abood in the City Attorney office informed the Committee that there was a concern with registering, because it was in essence giving them permission to do something legally they were not supposed to be doing. If a complaint was called in, and they were not on the list they could be closed. Mr. Dotson asked if moving forward, the Committee wanted a registration list. Council Member Wood asked for the list to be created, she added that Law made the statement that there were none at the time that have come to Law and they had been vetted before the moratorium. Mr. Dotson stated that the moratorium prohibited starting of new one, it did not involve where some relocated, and did not cover transfer of ownership. Council Member Wood stated the Committee asked for those that were open and the location. Mr. Dotson stated that the Committee needed to make their intent clear, and his office is in the process of compiling a list.

Council Member Hussain gave his opinion that the whole topic was convoluted, and the City needs to go back to the 2010 adopted ordinance. Council Member Wood asked if the Committee should reconsider the moratorium with a new date to get a final product. Mr. Dotson noted there was no reason why legally not a permissive process, there are consequences of not registering. Council Member Hussain asked Mr. Dotson if there ever was any enforcement and shut downs. Mr. Dotson could not recall a violation, and also added that he saw no reason why the Council could not go back to the 2010 process.

Council Member Wood again asked for opinions on if it would be easier to open the moratorium to get them to register, and if there is a process to send out a notice to tell them to register. Mr. Smiertka recommend the Committee push forward on the ordinance because

there is a new Act coming into place and a lot of the issues will take care of themselves with the new ordinance and State law. Currently there are a number of locations in commercial districts, he stated, presumably acting in compliance with the Act. Mr. Smiertka suggested that if the Committee has a concern with the commercial area, they could have a moratorium and registration, and they could run in conjunction with the ordinance.

Council Member Wood asked if the ordinance was enacted June 1, what would happen to those that are currently open. Mr. Smiertka stated they would have to go through the vetting and application process, which could take 4 months. What that will allow will let commercial operators operating without having to follow the MMMA restrictions but also have to follow the licensing Act and regulations. Mr. Dotson added to the discussion that the proposed ordinance is contingent on having a license from the State, so they would be illegal locally.

Council Member Hussain pointed out again that is why the Committee and Council wanted a moratorium, because the MMFLA is clear these uses are not legal until the State and municipal licenses are issued. Mr. Smiertka stated his opinion from what he has heard at the State level is that the State expects the City to issue licenses first.

Council Member Hussain called to questions the status of the moratorium with the Committee. Council Member Houghton admitted it was confusing and questioned what to do in the meantime. The rules need to be clear so businesses are clear. Mr. Dotson stated that he heard the State will start accepting applications in December 2017, and not issues licenses until May 2018. Mr. Smiertka suggested enacting the ordinance, and during the interim period where the applicant is qualified to have a license from the City, but not time for the State to act, the City could issue a provisional license with only the activities under the MMMA not the MMFLA. Council Member Hussain pointed out that there are immunities under the MMMA that will not apply, and Mr. Smiertka noted the City will license the location not the operation. Mr. Dotson noted to the Committee that Detroit is currently issuing licenses conditional on the MMMA, and he was not aware of any enforcement violations they have encountered. Council Member Wood asked if the City can send out letters telling everyone to register. Mr. Smiertka stated there is nothing legally stopping them, but asked what that would solve other than knowing those business are acting under the MMMA legally. Council Member Wood was encouraged that if they registered it would prevent them from moving or changing ownership. Mr. Smiertka stated his understanding from the Director of LARA, that they expect the local municipalities to do all the vetting of the businesses for the renewals.

Council Member Houghton asked if there is a criteria to apply, and when the applicant makes application to the State if they need the City license. Mr. Dotson stated that as of right now they do not, the State's position is that the City only has to provide the Ordinance and Law. If they have a license from the State and not the City, they cannot operate in the City. Mr. Smiertka added to the information, that LARA is amending the statute currently asking for the zoning, ordinance and description of any zoning violations.

Council Member Hussain ended the conversation and stated he would meet with the City Attorney on options to bring back to the Committee.

Council Member Hussain moved the discussion to the signage concerns that have been voiced by Council Members. He reminded the City Attorney office that they were supposed to be researching the process to make all signs in the City consistent with the requirements in downtown which is only 20% of window coverage. Ms. Sumner stated she was working on a final ordinance with a focus on keeping the language the same. Council Member Hussain asked what she had found out with franchise agreements on businesses. Ms. Sumner admitted she could not find specifics. Council Member Houghton asked how strict it can be on

graphics. Ms. Sumner could not talk about the specifics she is proposing, but stated her proposal was to focus on the health, safety and welfare for the employees and customers inside the businesses. Council Member Hussain asked about the enforcement of the signs. Ms. Sumner stated her research showed that Code Enforcement has not done a “sign sweep” lately, and that they have leeway in their enforcement.

Council Member Wood spoke about her concerns on the signs in the right of way, particularly with the focus on events at the Lansing Center. Mr. Smiertka suggested that LEPFA insert a provision in their event contracts with a clean-up bond attached.

Council Member Houghton asked how far the City can go on the content restrictions, and Ms. Sumner stated there are first amendment territories that have to be followed.

PUBLIC COMMENT

Mr. Klein provided copies of articles to the Committee, then spoke on the moratorium, gave his opinion that no regulations were in place and that the statue is not enforceable.

Rev. Hall asked the Committee what their purpose is, spoke on the religious belief over physical health, and concluded by stating his opinion that the culprits are the Committee when they over regulate and foster criminals. He also spoke in opposition to all Council Members.

Mr. Pollack spoke on the buffer distances, asked the Committee to remove the separation requirements, however spoke in support of multiple licenses at individual locations.

Ms. Miles asked for an interpretation on the distance measurements and if it is property line to property line. The Committee confirmed. She then asked if the drive up window option was approved in the ordinance, and Council Member Hussain answered that it was not in 6b. Ms. Miles then asked the Committee to consider further discussions on “garden”.

Mr. Madle pointed out to the Committee that they need to consider the timelines for the applicants considering that they might not get their license from the State until May 2018, however they will be in a location that cannot operate until that time frame, which could be months. For the new State law it requires all products have to be in seed tracking so there will be a delay.

Council Member Washington asked Council Member Hussain to add to the agenda of the next meeting a discussion on the capacities for the medical marihuana such as transporters, processors, growers, etc. and if the Committee would consider setting a cap on what uses the City would allow. Mr. Smiertka added that in the zoning aspect, growers are only allowed in industrial and under the proposed ordinance Law is only looking at restrictions to whole sale, in light industrial and heavy industrial.

Council Member Hussain ended by reminding everyone present that there is already an ordinance on the books.

ADJOURN

The meeting was adjourned 5:33 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 LAND USE AND ZONING REQUIREMENTS ATTENDANT THERETO; TO ESTABLISH AND PROVIDE FOR THE COMPOSITION OF A MEDICAL MARIHUANA COMMISSION AND TO DEFINE ITS FUNCTIONS AND RESPONSIBILITIES; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF LANSING; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF LANSING ORDAINS:

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

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

1300.1 –LEGISLATIVE INTENT.

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, MEDICAL MARIHUANA SECURE TRANSPORTERS, 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.

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.

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 333.2701, ET SEQ. (MMFLA) SHALL HAVE THE DEFINITION GIVEN IN THOSE ACTS, AS AMENDED. 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 ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S RIGHTS UNDER THE MMMA. THE MMMA AND THE MMFLA SUPERSEDE THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM.

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

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

22
23 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

24
25 "APPLICATION" MEANS AN APPLICATION FOR A LICENSE PURSUANT TO THE
26 TERMS AND CONDITIONS SET FORTH IN SECTIONS 1300.5 AND 1300.6.

27
28 "APPLICATION FOR A LICENSE RENEWAL" MEANS AN APPLICATION FOR A
29 LICENSE RENEWAL PURSUANT TO THE TERMS AND CONDITIONS OF SECTION
30 1300.7.

31
32 "BUILDING" MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A
33 ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR
34 SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A
35 STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY
36 DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH
37 PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE,
38 REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE
39 COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS.
40 THIS DEFINITION REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT
41 INCLUDE TENTS, SHEDS, GREENHOUSES AND PRIVATE GARAGES ON
42 RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A
43 BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT
44 NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS,
45 SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS
46 OR SIMILAR STRUCTURES.

1
2 “CHAPTER” MEANS THIS CHAPTER 1300.

3
4 “CHURCH” MEANS AN ENTIRE BUILDING SET APART PRIMARILY FOR
5 PURPOSES OF PUBLIC WORSHIP, AND WHICH IS TAX EXEMPT UNDER THE LAWS
6 OF THIS STATE, AND IN WHICH RELIGIOUS SERVICES ARE HELD, AND THE
7 ENTIRE BUILDING STRUCTURE OF WHICH IS KEPT FOR THAT USE AND NOT PUT
8 TO ANY OTHER USE INCONSISTENT WITH THAT USE.

9
10 “CITY” MEANS THE CITY OF LANSING, MICHIGAN.

11
12 “COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION
13 ESTABLISHED UNDER THIS CHAPTER.

14
15 “COUNCIL, OR CITY COUNCIL,” MEANS THE CITY COUNCIL OF LANSING,
16 MICHIGAN.

17
18 “CULTIVATION” OR “CULTIVATE” AS USED IN THIS CHAPTER MEANS: (1) ALL
19 PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST.

20
21 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL
22 INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE
23 MMMA OR MMFLA.

24
25 “EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER
26 IN RETURN FOR THE PAYMENT OF DIRECT OR INDIRECT MONETARY WAGES OR
27 PROFIT, UNDER CONTRACT, AND ANY INDIVIDUAL WHO VOLUNTEERS HIS OR
28 HER SERVICES TO AN EMPLOYER FOR NO MONETARY COMPENSATION, OR ANY
29 INDIVIDUAL WHO PERFORMS WORK OR RENDERS SERVICES, FOR ANY PERIOD
30 OF TIME, AT THE DIRECTION OF AN OWNER, LESSEE, OF OTHER PERSON IN
31 CHARGE OF A PLACE.

32
33 “LICENSE” OR “MEDICAL MARIHUANA BUSINESS LICENSE” MEANS A LICENSE
34 ISSUED FOR THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT
35 PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER AND INCLUDES A
36 LICENSE WHICH HAS BEEN RENEWED PURSUANT TO SECTION 1300.7.

37
38 “LICENSE APPLICATION” MEANS AN APPLICATION SUBMITTED FOR A
39 LICENSE PURSUANT TO THE REQUIREMENTS AND PROCEDURES SET FORTH IN
40 SECTIONS 1300.5 AND 1300.6.

41
42 “LICENSEE” MEANS A PERSON ISSUED A LICENSE FOR AN ESTABLISHMENT
43 PURSUANT TO THIS CHAPTER.

44
45 “MARIHUANA-INFUSED PRODUCT” MEANS AS DEFINED IN THE MMMA AND
46 THE MMFLA.

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

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

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

“MEDICAL MARIHUANA ESTABLISHMENT(S), OR, “ESTABLISHMENT,” MEANS ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER, INCLUDING: A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL MARIHUANA GROWER FACILITY; A MEDICAL MARIHUANA PROCESSOR FACILITY; A MEDICAL MARIHUANA SECURE TRANSPORTER; AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

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

“MEDICAL MARIHUANA GROWER FACILITY,” MEANS A COMMERCIAL ENTITY LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO THIS CHAPTER THAT CULTIVATES, DRIES, TRIMS OR CURES AND PACKAGES MARIHUANA IN ACCORDANCE WITH STATE LAW.

“MEDICAL MARIHUANA LICENSING BOARD” MEANS THAT CERTAIN BOARD ESTABLISHED BY THE MMFLA.

“MEDICAL MARIHUANA PROVISIONING CENTER,” MEANS A COMMERCIAL ENTITY LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO THIS CHAPTER, THAT SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS ONLY AS PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING CENTER, AS DEFINED IN THE MMFLA, INCLUDES ANY COMMERCIAL PROPERTY WHERE MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND REGULATION. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE MMMA, AND CONNECTED TO THE CAREGIVER THROUGH THE DEPARTMENT’S MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA, IS NOT A MEDICAL MARIHUANA PROVISIONING CENTER.

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

1 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

2
3 “PARK” MEANS AN AREA OF LAND DESIGNATED BY THE CITY AS A PARK ON
4 ITS MASTER PLAN OR ON A COUNCIL-APPROVED LIST OF CITY PARKS.

5
6 “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
7 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
8 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

9
10 “PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY” MEANS A
11 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT IS LICENSED TO OPERATE
12 BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY
13 PURSUANT TO THIS CHAPTER, THAT EXTRACTS RESIN FROM THE MARIHUANA
14 OR CREATES A MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY
15 STATE LAW.”

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

25
26 “SCHOOL’ MEANS AND INCLUDES BUILDINGS USED FOR SCHOOL PURPOSES
27 TO PROVIDE INSTRUCTION TO CHILDREN AND YOUTH IN GRADES PRE-
28 KINDERGARTEN THROUGH 12, AND HEADSTART WHEN THAT INSTRUCTION IS
29 PROVIDED BY A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL.

30
31 “SECURE TRANSPORTER” OR “MEDICAL MARIHUANA SECURE TRANSPORTER”
32 MEANS A COMMERCIAL ENTITY THAT IS LICENSED TO OPERATE BY THE STATE
33 PURSUANT TO THE MMFLA AND IS LICENSED TO OPERATE BY THE CITY
34 PURSUANT TO THIS CHAPTER, THAT IS A COMMERCIAL ENTITY LOCATED IN THIS
35 CITY THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN
36 MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE
37 LAW.

38
39 “STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES,
40 WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR
41 MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-
42 PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO
43 A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH
44 GENERAL AND LIMITED.

45
46 “STATE” MEANS THE STATE OF MICHIGAN.

1
2 (G) ANY TERM DEFINED BY THE MMMA, THE MMFLA, OR THE MTA AND NOT
3 DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITION PROVIDED IN THOSE
4 ACTS.

5 **1300.3 – ESTABLISHMENT OF THE MEDICAL MARIHUANA COMMISSION;**
6 **MEMBERSHIP; CHAIRPERSON; MEETINGS.**
7

8 (A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE
9 COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS, WHO SHALL BE
10 APPOINTED BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL
11 SERVE FOR TERMS OF OFFICE OF THREE (3) YEARS. PROVIDED, HOWEVER, FOR
12 THE INITIAL APPOINTMENTS TO THE COMMISSION, TWO MEMBERS SHALL
13 SERVE FOR A TERM OF ONE (1) YEAR, TWO MEMBERS SHALL SERVE FOR A TERM
14 OF TWO (2) YEARS, AND THREE (3) MEMBERS SHALL SERVE FOR A TERM OF
15 THREE (3) YEARS.
16

17 (B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:
18

- 19 (1) FOUR (4) MEMBERS, ONE FROM EACH WARD OF THE CITY, UPON
20 BEING RECOMMENDED TO THE MAYOR BY THE COUNCIL PERSON IN
21 THAT WARD, EACH WHO REPRESENTS A DULY ORGANIZED AND
22 EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION OR
23 NEIGHBORHOOD WATCH GROUP;
24
25 (2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING
26 MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;
27
28 (3) TWO (2) MEMBERS POSSESSING BUSINESS EXPERIENCE FROM THE
29 GENERAL POPULATION OF THE CITY.
30

31 (C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY
32 BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE
33 COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE
34 OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL
35 ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS
36 PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE OF
37 EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE
38 COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN
39 MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A
40 RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF FOUR (4)
41 MEMBERS SHALL CONSTITUTE A QUORUM FOR VOTING PURPOSES.
42

43 (D) NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER
44 PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF
45 GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN

1 PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT
2 FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.

3
4 (E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE
5 FORWARDED TO IT BY THE CITY CLERK UNDER THIS CHAPTER. A LICENSE
6 SHALL NOT BE ISSUED UNTIL THE COMMISSION HAS ACTED ON THE
7 APPLICATION BY ISSUING A CERTIFICATE OF APPROVAL BY A MAJORITY VOTE
8 OF THE COMMISSION MEMBERS PRESENT AT A MEETING.

9
10 (F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE CITY
11 COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS RELATED TO THIS
12 CHAPTER FOR COUNCIL APPROVAL.

13
14 (G) THE CHIEF OF POLICE (OR A DESIGNEE), THE CHIEF OF THE FIRE
15 DEPARTMENT (OR A DESIGNEE) AND THE DIRECTOR OF PLANNING AND
16 NEIGHBORHOOD DEVELOPMENT (OR A DESIGNEE) SHALL ALSO SERVE THE
17 COMMISSION IN AN EX OFFICIO NON-VOTING CAPACITY.

18
19
20
21 **1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**

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

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

1 NOT RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE
2 SUBMITTED TO THE COMMISSION FOR CONSIDERATION, THE MEDICAL
3 MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN 30
4 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.
5

6 (C) THE CITY CLERK SHALL ISSUE A LICENSE FOR A MEDICAL MARIHUANA
7 ESTABLISHMENT ONLY AFTER THE COMMISSION HAS ISSUED A CERTIFICATE
8 OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE YEAR. A LICENSE
9 ISSUED UNDER THIS CHAPTER MAY BE CONDITIONED ON THE APPROVAL OF
10 THE OPERATOR BY THE STATE AT THE LOCATION UNDER THE MMFLA.
11
12

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

15 (A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY
16 THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO
17 THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK IN
18 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL BE
19 CONSIDERED FOR THE ISSUANCE OF A LICENSE. EACH APPLICATION
20 SHALL CONTAIN A SIGNED ACKNOWLEDGEMENT THAT THE APPLICANT IS
21 AWARE AND UNDERSTANDS THAT ALL MATTERS RELATED TO
22 MARIHUANA GROWING, CULTIVATION, POSSESSION, DISPENSING,
23 TESTING, SAFETY COMPLIANCE, TRANSPORTING, DISTRIBUTION, AND USE
24 ARE CURRENTLY SUBJECT TO STATE AND FEDERAL LAWS, RULES, AND
25 REGULATIONS, AND THAT THE APPROVAL OR GRANTING OF A LICENSE
26 HEREUNDER DOES NOT EXONERATE OR EXCULPATE THE APPLICANT
27 FROM ABIDING BY THE PROVISIONS AND REQUIREMENTS AND PENALTIES
28 ASSOCIATED WITH THOSE LAWS, RULES, AND REGULATIONS OR
29 EXPOSURE TO ANY PENALTIES ASSOCIATED THEREWITH; AND FURTHER
30 THE APPLICANT WAIVES AND FOREVER RELEASES ANY CLAIM, DEMAND,
31 ACTION, LEGAL REDRESS, OR RECOURSE AGAINST THE CITY OF LANSING,
32 ITS ELECTED AND APPOINTED OFFICIALS AND ITS EMPLOYEES AND
33 AGENTS FOR ANY CLAIMS, DAMAGES, LIABILITIES, CAUSES OF ACTION,
34 DAMAGES, AND ATTORNEY FEES THE APPLICANT MAY OCCUR AS A
35 RESULT OF THE VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS,
36 PARTNERS, SHAREHOLDERS, EMPLOYEES AND AGENTS OF THOSE LAWS,
37 RULES, AND REGULATIONS AND HEREBY WAIVES, AND ASSUMES THE
38 RISK OF, ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE
39 AGAINST THE CITY OF LANSING, ITS ELECTED AND APPOINTED
40 OFFICIALS, EMPLOYEES, ATTORNEYS, AND AGENTS.
41

42 (B) AN APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL BE
43 MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND SHALL
44 CONTAIN ALL OF THE FOLLOWING:
45

1 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME,
2 DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR MORE PHONE
3 NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION, A COPY OF A
4 GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THE APPLICANT,
5 AND A COPY OF THE APPLICANT'S CAREGIVER REGISTRY IDENTIFICATION
6 CARD ISSUED PURSUANT TO THE MMMA;
7

8 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
9 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE
10 NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING
11 DESIGNATION OF A STAKEHOLDER AS AN EMERGENCY CONTACT PERSON
12 AND CONTACT INFORMATION FOR THE EMERGENCY CONTACT PERSON,
13 ARTICLES OF INCORPORATION, INTERNAL REVENUE SERVICE SS-4 EIN
14 CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OF THE
15 APPLICANT, IF A LIMITED LIABILITY COMPANY, AND A COPY OF AT LEAST
16 ONE STAKEHOLDER'S CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED
17 PURSUANT TO THE MMMA;
18

19 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
20 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
21 NECESSARY BY THE CITY CLERK;
22

23 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
24 FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE APPLICANT,
25 AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN
26 CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
27 FELONY. WITH RESPECT TO ALL OTHER MEDICAL MARIHUANA
28 ESTABLISHMENTS, FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
29 APPLICANT, AN AFFIRMATION THAT EACH AND EVERY AGENT OR EMPLOYEE
30 IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN CONVICTED OF OR PLED
31 GUILTY OR NO CONTEST TO A DISQUALIFYING FELONY;
32

33 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
34 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
35 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
36 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
37 CRITERIA SET FORTH IN THIS CHAPTER;
38

39 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
40 THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
41 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
42 IF OTHER THAN THE APPLICANT;
43

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

1
2 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
3 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
4 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
5 INDUSTRY;
6

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

12 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
13 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;
14

15 (11) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
16 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
17

18 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
19 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF
20 EACH PERSON OR ENTITY; AND
21

22 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES
23 POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON
24 HOLDING EACH POSITION.
25

26 (12) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE
27 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE
28 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE
29 OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS
30 CHAPTER ALONG WITH A COPY OF THE LEASE FOR THE PREMISES;
31

32 (13) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL
33 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY
34 LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR
35 SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT
36 AND PREMISES. THE SECURITY MUST CONTAIN THE SPECIFICATION DETAILS
37 OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL MARIHUANA
38 ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT DURING
39 BUSINESS HOURS;
40

41 (14) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS
42 WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH
43 THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING
44 ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING
45 SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;
46

1 (15) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON
2 THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;
3

4 (16) A LOCATION AREA MAP OF THE MEDICAL MARIHUANA
5 ESTABLISHMENT AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE
6 LOCATIONS AND THE DISTANCES (CLOSEST PROPERTY LINE TO THE SUBJECT
7 ESTABLISHMENT'S PROPERTY LINE) FROM THE SUBJECT MEDICAL
8 MARIHUANA ESTABLISHMENT TO THE CLOSEST REAL PROPERTY OF AN
9 OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL,
10 CHURCH, PARK, A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION
11 SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION
12 SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL
13 333.6101 ET SEQ., ANOTHER LICENSED MEDICAL MARIHUANA
14 ESTABLISHMENT OR A COMMERCIAL CHILD CARE ORGANIZATION (NON-
15 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED
16 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES;
17

18 (17) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY
19 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING
20 HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY
21 MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY
22 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS
23 PROHIBITED;
24

25 (18) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK
26 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL
27 MONITOR INVENTORY;
28

29 (19) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,
30 INCLUDING MOLD AND PESTICIDES;
31

32 (20) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
33 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.
34 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT
35 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,
36 FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;
37

38 (21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS,
39 SHOWING THAT THE APPLICANT HAS LIQUID FUNDS IN THE APPLICANT'S
40 NAME IN THE AMOUNT NEEDED TO COMPLETE THE MEDICAL MARIHUANA
41 ESTABLISHMENT, BUT IN NO EVENT LESS THAN TWENTY-FIVE (\$25,000)
42 THOUSAND DOLLARS IN IMMEDIATELY AVAILABLE FUNDS;
43

44 (22) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
45 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
46 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH

1 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE
2 MEDICAL MARIHUANA ESTABLISHMENT; AND
3

4 (23) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE
5 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:
6

7 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A
8 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED, INCLUDING
9 PLANS FOR THE GROWING MEDIUMS, TREATMENTS, AND / OR ADDITIVES;
10

11 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A
12 DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING
13 BY AN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION
14 ACCREDITED TESTING FACILITY WILL BE SELECTED, WHAT TYPE OF
15 TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE
16 USED;
17

18 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
19 CONFORMANCE WITH THE MMMA, THE MMFLA, AND OTHER APPLICABLE
20 STATE LAW;
21

22 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE
23 NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND
24 HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE
25 ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED
26 PESTICIDES;
27

28 (V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING.
29

30 (24) PROOF OF AN INSURANCE POLICY COVERING THE ESTABLISHMENT
31 AND NAMING THE CITY, ITS ELECTED AND APPOINTED OFFICIALS,
32 EMPLOYEES, AND AGENTS, AS ADDITIONAL INSURED PARTIES,
33 AVAILABLE FOR THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN
34 ACT OR OMISSION OF THE APPLICANT OR ITS STAKEHOLDERS, AGENTS,
35 EMPLOYEES, OR SUBCONTRACTORS, IN THE AMOUNT OF (A) AT LEAST
36 ONE MILLION DOLLARS FOR PROPERTY DAMAGE; (B) AT LEAST ONE
37 MILLION DOLLARS FOR INJURY TO ONE PERSON; AND (C) AT LEAST TWO
38 MILLION DOLLARS FOR INJURY TO TWO OR MORE PERSON RESULTING
39 FROM THE SAME OCCURRENCE. THE INSURANCE POLICY UNDERWRITER
40 MUST HAVE A MINIMUM A.M. BEST COMPANY INSURANCE RANKING OF
41 B+, CONSISTENT WITH STATE LAW.
42

43 (25) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.
44
45

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

9
10
11 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
12 REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE
13 APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION
14 TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,
15 THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING
16 ADMINISTRATOR, AND THE CITY TREASURER.

17
18 (E) NO APPLICATION SHALL BE SUBMITTED TO THE MEDICAL
19 MARIHUANA COMMISSION UNLESS:

20
21 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
22 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS
23 FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT AND FOR
24 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER;

25
26 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE
27 PROPOSED LOCATION COMPLIES WITH THE ZONING CODE;

28
29 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
30 EACH STAKEHOLDER OF THE APPLICANT ARE NOT IN DEFAULT TO THE
31 CITY;

32
33 (4) THE POLICE DEPARTMENT HAS DETERMINED THAT THE APPLICANT
34 HAS MET THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE
35 BACKGROUND CHECK AND SECURITY PLAN.

36
37 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT
38 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL REFER A COPY OF THE
39 APPLICATION TO THE COMMISSION FOR ITS CONSIDERATION.

40
41
42 **1300.6-LICENSE APPLICATION EVALUATION.**

43
44 (A) EXCEPT AS PROVIDED IN SECTION 1300.8 (A), THE COMMISSION WILL
45 ASSESS ALL APPLICATIONS REFERRED TO IT BY THE CITY CLERK PURSUANT
46 TO SECTION 1300.5.

(B) IN ITS APPLICATION DELIBERATIONS, THE COMMISSION SHALL ASSESS 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) (1-25).

(2) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;

(3) WHETHER THE APPLICANT AND ITS STAKEHOLDERS 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.

(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 ENTITLING AN APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN APPLICATION OR WITH REGARD TO ANY SCORING DECISION.

1300.7 – LICENSE RENEWAL APPLICATION.

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

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

1
2 (C) AN APPLICATION SHALL BE ACCOMPANIED BY A RENEWAL FEE IN
3 AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION, OF WHICH HALF
4 WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE RENEWAL
5 FEE IS ESTABLISHED TO DEFRAY THE COSTS OF THE ADMINISTRATION OF THIS
6 CHAPTER.

7
8 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
9 REQUIREMENTS OF THIS CHAPTER AND THE LICENSE RENEWAL FEE, THE CITY
10 CLERK SHALL REFER A COPY OF THE RENEWAL APPLICATION TO EACH OF THE
11 FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING
12 SAFETY OFFICE, THE LANSING POLICE DEPARTMENT, THE ZONING
13 ADMINISTRATOR, THE CITY TREASURER, AND THE MEDICAL MARIHUANA
14 COMMISSION.

15
16 (E) NO RENEWAL APPLICATION SHALL BE APPROVED UNLESS:

17
18 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
19 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL
20 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN
21 THE PAST CALENDAR YEAR;

22
23 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED
24 LOCATION CURRENTLY COMPLIES WITH THE ZONING CODE AND THIS
25 CHAPTER;

26
27 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
28 EACH STAKEHOLDER OF THE APPLICANT AND THE PROPOSED
29 LOCATION OF THE FACILITY ARE NOT CURRENTLY IN DEFAULT TO THE
30 CITY;

31
32 (4) THE POLICE DEPARTMENT HAS REVIEWED THE APPLICATION AND
33 DETERMINED THAT THE APPLICANT HAS SATISFIED THE
34 REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE
35 BACKGROUND CHECK AND SECURITY PLAN;

36
37 (5) THE MEDICAL MARIHUANA COMMISSION HAS REVIEWED THE
38 APPLICATION FOR COMPLIANCE WITH 1300.6 (B)(1-3).

39
40 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT
41 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A LICENSE
42 RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED, HALF OF THE
43 RENEWAL FEE SHALL BE RETURNED. THE RENEWAL SHALL BE DEEMED
44 APPROVED IF THE CITY HAS NOT ISSUED FORMAL NOTICE OF APPROVAL WITHIN
45 60 DAYS OF THE APPLICATION BEING FILED.

1300.8 – LICENSES GENERALLY.

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

(B) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL FROM THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, THE CITY TREASURER, AND THE MEDICAL MARIHUANA COMMISSION. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE STANDARDS IDENTIFIED IN 1300.5(E) AND THE MEDICAL MARIHUANA COMMISSION HAS DETERMINED THAT THE PROPOSED LOCATION MEETS THE REQUIREMENTS OF 1300.6 (B)(2).

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

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

1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA PROVISIONING CENTER.

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

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

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

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

13
14 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE
15 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM
16 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A
17 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL
18 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN
19 AREA ACCESSIBLE TO THE GENERAL PUBLIC;

20
21 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL
22 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY
23 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY
24 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
25 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
26 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
27 AREA ONLY IF PERMITTED BY THE MMFLA;

28
29 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
30 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
31 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
32 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

33
34 (H) DRIVE-THRU WINDOWS ON THE PREMISES OF A MEDICAL MARIHUANA
35 PROVISIONING CENTER SHALL NOT BE PERMITTED;

36
37 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
38 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
39 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
40 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED;

41
42 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
43 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
44 CENTER;

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

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

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

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

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

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

3
4 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS
5 MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO
6 MINORS.

7
8 (Q) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL
9 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN
10 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY
11 MEDIUM:

12
13 (1) WITHIN ONE THOUSAND (1,000) FEET MEASURED PROPERTY LINE TO
14 PROPERTY LINE OF THE REAL PROPERTY LINE COMPRISING AN OPERATIONAL
15 PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; A COMMERCIAL
16 CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED
17 TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF
18 HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE
19 CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ; OR

20
21 (2) WITHIN FIVE HUNDRED (500) FEET, MEASURED PROPERTY LINE TO
22 PROPERTY LINE, OF A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION
23 SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION
24 SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL
25 333.6101 ET SEQ., ARE OFFERED; A CHURCH OR OTHER STRUCTURE IN WHICH
26 RELIGIOUS SERVICES ARE CONDUCTED; OR ANOTHER MEDICAL MARIHUANA
27 ESTABLISHMENT.

28
29 (R) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A
30 MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL
31 CANNABINOID TESTING RESULTS, AND A PASS/FAIL RATING BASED ON THE
32 CERTIFIED LABORATORY'S STATE-REQUIRED TESTING MUST BE AVAILABLE TO
33 ALL MEDICAL MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON
34 REQUEST AND PROMINENTLY DISPLAYED.

35
36 **1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
37 **GROWER FACILITY.**

38
39 (A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA
40 GROWER FACILITIES SHALL APPLY:

41
42 (1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL
43 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE
44 MTA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND
45 REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

1 (2) EXCEPT AS PROVIDED BY STATE LAW AND LANSING CITY CHARTER
2 CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED
3 AT THE GROWER FACILITY;
4

5 (3) ALL GROWER ACTIVITY RELATED TO THE GROWER FACILITY SHALL BE
6 PERFORMED IN A BUILDING;
7

8 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
9 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
10 ON THE PREMISES;
11

12 (5) ANY MEDICAL MARIHUANA GROWER FACILITY COMPLY WITH THE
13 MTA AND SHALL MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING
14 BY DATE THE AMOUNT OF MEDICAL MARIHUANA AND THE NUMBER OF
15 MEDICAL MARIHUANA PLANTS ON THE PREMISES WHICH SHALL NOT
16 EXCEED THE AMOUNT PERMITTED UNDER THE GROWER LICENSE ISSUED BY
17 THE STATE OF MICHIGAN. THIS LOG SHALL BE AVAILABLE TO LAW
18 ENFORCEMENT PERSONNEL TO CONFIRM THAT THE MEDICAL MARIHUANA
19 GROWER DOES NOT HAVE MORE MEDICAL MARIHUANA THAN AUTHORIZED
20 AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE MORE
21 INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE LAWFUL
22 AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;
23

24 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
25 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
26 MMFLA, AND THE RULES AND REGULATIONS OF THE MEDICAL MARIHUANA
27 LICENSING BOARD, AS AMENDED;
28

29 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
30 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
31 WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING DEVICES THAT
32 SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF MARIHUANA ARE
33 LOCATED;
34

35 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS SUCH AS
36 HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED SHALL BE SUBJECT
37 TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO
38 INSURE COMPLIANCE WITH THE MICHIGAN FIRE CODES;
39

40 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
41 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;
42

43 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
44 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
45 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT

1 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
2 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;
3

4 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
5 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
6 INCLUDING BUT NOT LIMITED TO:
7

8 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
9

10 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
11 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
12 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
13

14 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
15 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
16 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
17 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
18 CONDITION IS CORRECTED.
19

20 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
21 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
22 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
23 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
24

25 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
26 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
27 IN GOOD REPAIR;
28

29 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
30 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
31 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
32 WASTE DEVELOPMENT AND MINIMIZE THE POTENTIAL FOR WASTE
33 BECOMING AN ATTRACTANT, HARBORAGE OR BREEDING PLACE FOR PESTS;
34

35 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
36 MAINTAINED IN A SANITARY CONDITION;
37

38 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
39 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
40 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
41

42 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
43 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
44 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
45

1 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
2 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
3

4 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
5 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
6 HUMAN CONSUMPTION.
7

8 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
9 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.
10

11 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
12 **SAFETY COMPLIANCE FACILITY.**
13

14 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE
15 FACILITIES SHALL APPLY:
16

17 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES
18 AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE MTA, AND
19 THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD, AS
20 THEY MAY BE AMENDED FROM TIME TO TIME;
21

22 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
23 LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL
24 MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;
25

26 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
27 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
28 ON THE PREMISES;
29

30 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK
31 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL
32 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.
33 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING
34 PATIENTS IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT,
35 AS AMENDED;
36

37 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
38 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE
39 MMMA, THE MMFLA, THE MTA, AND THE RULES AND REGULATIONS OF THE
40 MEDICAL MARIHUANA LICENSING BOARD, AS AMENDED;
41

42 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE
43 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL
44 MARIHUANA;
45

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

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

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

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

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

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

1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA PROCESSOR FACILITY AND A MEDICAL MARIHUANA SECURE TRANSPORTER.

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

(1) THE PROCESSOR AND SECURE TRANSPORTER SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, AND THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD, AS THEY MAY BE AMENDED FROM TIME TO TIME;

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

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

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

1 (5) ANY PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL
2 MAINTAIN A LOG BOOK AND/OR DATABASE IN ACCORDANCE WITH THE
3 MMFLA, THE MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
4 MARIHUAN LICENSING BOARD IDENTIFYING BY DATE THE AMOUNT OF
5 MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL NOT EXCEED THE
6 AMOUNT PERMITTED UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE
7 OF MICHIGAN, TO THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG
8 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM
9 THAT THE PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
10 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
11 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
12 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

13
14 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE
15 IDENTIFICATION.

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

21
22 (8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
23 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
24 WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING
25 OF MARIHUANA ARE LOCATED;

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

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

36
37 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
38 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH PROCESSING.
39 MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN
40 SUITES SEGREGATED FROM THE PROCESSOR FACILITY;

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

45
46 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

1
2 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
3 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
4 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
5

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

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

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

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

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

31 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE
32 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET
33 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD
34 REPAIR;
35

36 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
37 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
38 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
39

40 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY
41 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
42

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

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

1300.13 - LOCATION OF MEDICAL MARIJUANA PROVISIONING CENTERS .

(A) NO MEDICAL MARIJUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN:

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

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

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

1300.14 - LOCATION OF MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL MARIHUANA PROCESSOR FACILITIES, MEDICAL MARIHUANA GROWER FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTERS.

(A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY, MEDICAL MARIHUANA PROCESSOR FACILITY, MEDICAL MARIHUANA GROWER FACILITY, OR MEDICAL MARIHUANA SECURE TRANSPORTER SHALL BE LOCATED WITHIN

(1) ONE THOUSAND (1,000) FEET, MEASURED FROM THE PROPERTY LINE OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; PARK; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS

1 SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA
2 116, MCL 722.11 ET SEQ.; OR

3
4 (2) FIVE HUNDRED (500) FEET, MEASURED FROM THE PROPERTY LINE
5 OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF
6 A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR
7 SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE
8 TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE
9 OFFERED; OR A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS
10 SERVICES ARE CONDUCTED OR ANOTHER MEDICAL MARIHUANA
11 ESTABLISHMENT.

12
13 (B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL
14 MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA PROCESSOR
15 FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTER FACILITIES
16 SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO THE H-LIGHT
17 INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING DISTRICTS AS
18 IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

19
20 **1300.15 - LICENSE REVOCATION; BASES FOR REVOCATION; APPEAL OF**
21 **LICENSE DENIAL.**

22
23 (A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN
24 ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY
25 GROUNDS FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE
26 TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST
27 BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE
28 HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE
29 APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);

30
31 (B) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE DENIED OR REVOKED
32 ON ANY OF THE FOLLOWING BASES:

33
34 (1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER;

35
36 (2) ANY CONVICTION OF A DISQUALIFYING FELONY BY THE LICENSEE,
37 STAKEHOLDER, OR ANY PERSON HOLDING AN OWNERSHIP INTEREST IN THE
38 LICENSE;

39
40 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF
41 A FALSE STATEMENT BY THE APPLICANT, LICENSEE, OR ANY STAKEHOLDER
42 OF THE APPLICANT OR LICENSEE WHILE ENGAGING IN ANY ACTIVITY FOR
43 WHICH THIS CHAPTER REQUIRES A LICENSE;

44
45 (4) FAILURE TO OBTAIN AND MAINTAIN A CERTIFICATE OF APPROVAL
46 FROM THE MEDICAL MARIHUANA COMMISSION;

(5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE CITY TO HAVE BECOME A PUBLIC NUISANCE.

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

1300.16 – PENALTIES; TEMPORARY SUSPENSION OF A LICENSE

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

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

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

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

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

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

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

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

1300.17 -NO VESTED RIGHTS

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

1300.18 –ZONING BOARD OF APPEALS

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

1300.19-SUNSET

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

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

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

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

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED