



AGENDA
Committee on Public Safety
Thursday, September 19, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor
***Updated 9/17/2019**

Council Member Wood, Chair
Council Member Spitzley, Vice Chair
Council Member Hussain, Member

1. Call to Order

2. Roll Call

3. Minutes

- August 27, 2019
- September 5, 2019

4. Public Comment on Agenda Items

5. Discussion:

- A.) ORDINANCE – Chapter 1300 Amendments
- B.) DISCUSSION – City Attorney Update – 3801 Walton
- C.) *DISCUSSION- Parking Ordinance Amendments Chapter 404 Section 404.13
- D.) DISCUSSION – Correction Notice Fees
- E.) DISCUSSION – Ordinance on Crime Prevention Through Environmental Design (CPTED)

6. Other

7. Adjourn

[illegible]



MINUTES
Special Meeting of the Committee on Public Safety
Tuesday, August 27, 2019 @ 4:00 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 4:01 p.m.

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Amanda O'Boyle, Assistant City Attorney
Heather Sumner, Deputy Chief City Attorney
Jim Smiertka, City Attorney
Lisa Hagen, Council Legal Analyst
Jennifer Smith – Zande, Clerks Office
Mary Reynolds
Mary Ellen Purificato

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 20, 2019 AS PRESENTED. MOTION CARRIED 3-0.

Public Comment

No public comment at this time

DISCUSSION/ACTION

DISCUSSION: Ordinance Amendments to Chapter 1300 Marihuana Establishments/Operations

Ms. Boak went through the following items in the document noted to be corrected:

Page 5 Line 106 – should be 1300.07

Page 47 Line 1160 – should be Chapter 622 not 662

Page 47 Line 1167 – should be Section 1300.04 not 1300.14 (a)

Page 49 Lines 1215-1217 was corrected in and earlier email from OCA to remove “unless given immediate effect”

Page 46-47 Lines 1143-1146 and 1163-1168; The OCA clarified that even though “caps” represents new language and since it was determined not to include it, the OCA did a “strike-thru” instead of deleting completely so the Committee could see it did come out.

Ms. O'Boyle corrected page 43, Lines 1067-1068 which should have been formatted to "caps" on "including but not limited to any".

The Committee briefly discussed the buffering changes in 1300.10 page 41 lines 1006-1018 and the OCA presented a map depicting those buffered areas. The OCA did not advise the Committee to go with the 1000' based on the zoning, as the Committee earlier wanted. Council Member Spitzley stated her support of the 1,000 ft. buffer. Mr. Smiertka stated there is a concept in the law, and that is what the OCA is working under, but it makes it difficult and presents a risk. Council Member Spitzley confirmed a micro business can be in zoned Heavy and Light Industrial, and recommended the question the Committee should look at on the maps would be if the zoning is there, and the goal is not to find empty locations, but is there zoning appropriate to allow for that business to happen. Council Member Hussain stated he had no issues with the proposed 1,000 ft. buffering.

Council Member Wood asked the OCA to confirm that everything the Committee asked for was in the Ordinance and who would be presenting to the Planning Board to make sure they are aware they are only to review and make recommendations on the zoning portion. Mr. Smiertka confirmed and stated they will be advised that they are restricted to reviewing only the zoning and restrict to that recommendation.

Council Member Wood then outlined the next steps, first stating that they will take the recommendation from the Planning Board at the September 5th Committee meeting and can choose to incorporate it or not, and then set the public hearing for 9/30/2019. Council will then set the hearing on 9/9/2019 for 9/30/2019. The Committee of the Whole will review the Ordinance at their 9/23/2019 meeting. The Ordinance will have to hold its hearing and be adopted on 9/30/2019 so there is 30 days before adoption. This would make the November 1, 2019 deadline by the State.

Council Member Wood then asked the OCA to provide a clean copy of the ordinance to Susan Stachowiak to provide to the Planning Board and to include the Committee in that email. Mr. Smiertka advised his staff to change the header on the latest version from Committee to "Public Safety Committee Draft #".

Other

Council Member Wood briefly opened a discussion on issues with social clubs, and if there was the ability to license a social club. Mr. Smiertka confirmed he is meeting with Chief Green on that subject. The Committee provided locations of concern including MLK/REO, 48808 S Waverly, Pierson/MLK and Pleasant Grove

Ms. Reynolds asked the Committee to consider billing any labor charges from the LPD to the owner of a property when they are enforcing a violation on that property.

Council Member Spitzley stated she would not be at the September 5, 2019 Committee meeting, but concurs with the Ordinance language as written as of this meeting.

ADJOURN

Adjourned at 4:39 p.m.
Submitted by Sherrie Boak,
Recording Secretary
Lansing City Council
Approved as presented:

DRAFT



MINUTES **Committee on Public Safety** **Thursday, September 5, 2019 @ 3:30 p.m.** **City Council Conference Room, 10th Floor**

CALL TO ORDER

The meeting was called to order at 3:52 p.m.

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair- excused
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Mary Bowen, Assistant City Attorney
Joseph Abood, Chief Deputy City Attorney
Amanda O'Boyle, Assistant City Attorney
Scott Sanford, Code Compliance
Lisa Hagen, Council Legal Analyst
Jennifer Smith- Zande, City Clerk's Office
Mary Ellen Purificato

Public Comment

No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 15, 2019. MOTION CARRIED 2-0.

DISCUSSION/ACTION

DISCUSSION – City Attorney Update – 3801 Walton

Mr. Abood informed the Committee that a premise inspection is scheduled. One was already performed and the OCA, Council Member Garza and a building inspector were present, however a second one has been schedule with the Building Official and Officer Colby. At this time, Mr. Abood could not provide the date and time of that inspection, but would provide that to the Committee. He then stated that after that inspection the OCA will take the results and determine how to proceed. Council Member Wood asked for a timeline and Mr. Abood was not able to provide that, however acknowledged he would have that by the 9/19/2019 Committee meeting.

DRAFT

RESOLUTION – Introduction & Setting Public Hearing; Chapter 1300 Amendments

Council Member Wood referenced the two drafts, noting the only change from what the Committee voted on at the last meeting was the buffering at parks and day cares the buffering was moved back to 500'. It was confirmed that the draft labeled "Planning Board Recommendation" would be changed to "Draft #1F", and Draft #1E" was what came out of the Planning board. Council Member Wood added that based on communications with the Administration they have concurred with the ordinance from the Committee with the change to the 500' buffer. The OCA was then asked about amending the ordinance to address the sale of alcohol at the social clubs. Ms. O'Boyle read the State Emergency rule 13 which stated the sale or consumption of alcohol is only permitted if allowed by other State or Federal laws. and permitted unless the City prohibits it, therefore the Committee asked the OCA to add the language. Lastly, the OCA distributed draft language for page 49, a new Section 49 which would address existing business, applicants in the process and "grand fathering".

MOTION BY COUNCIL MEMBER HUSSAIN TO SET THE PUBLIC HEARING FOR SEPTEMBER 30, 2019 FOR DRAFT #1F WITH THE PROVISIONS MADE TO PAGE 49 SECTION 4 AND SECTION 5, AND THE ADDITIONAL LANGUAGE TO ADDRESS LIQUOR LICENSES. MOTION CARRIED 2-0.

Council Member Wood asked Ms. Hagen to create a memo outlining the differences between the current and new ordinance, and on 9/23/2019 the Committee of the Whole will go through it. She asked that the memo include the details that the social clubs and micro-businesses are included because if they do not opt out they have to make these uses competitive.

DISCUSSION – Correction Notice Fees

Ms. Bowen informed the Committee that the OCA is still working on an analysis and proposal and anticipate information at the September 19, 2019 meeting. Mr. Abood added that when Council looks to increase fees they have to justify with the cost and not make it a revenue endeavor. Council Member Hussain asked Mr. Sanford when the original \$75 fee was established. Mr. Sanford was not able to provide a date, but in his opinion it was older than 20 years, and inflation should be taken into consideration.

DISCUSSION – FY 2020/2021 Budget Priorities

Council Office Manager highlighted proposed amendments from other Committees, and noted the document will be Draft 2 in the Committee of the Whole Monday night.

The Committee reviewed page 6, III a). Council Member Hussain stated to Mr. Sanford, that at past meetings it was noted that Code needs assistance, however Council needs to know what they need, specific to numbers and funding. Mr. Sanford acknowledged he cannot provide that because he believes they are never at full staff due to retirements and leaves. He did confirm that they have the equipment just not the people. Council Member Hussain then inquired into if HR can do something to reach out to people when they are not hired and advise them on what they need to do to qualify for future employment.

After review of all 111 a) the Committee determined to keep everything currently in the document from the previous year because it continues to address the concerns.

Other

Update from City Attorney's Office; City of Jackson Ordinance on Relocation Assistance for Displaced Tenants

Ms. Hagen informed the Committee that in April Council Member Spadafore had asked the OCA to begin working on an ordinance based on the City of Jackson's ordinance and since that time the draft she wrote went through the OCA Ordinance Committee and she is now in the process of rewriting it. Council Member Wood informed Council Member Hussain that she

DRAFT

has spoken to Council Member Spadafore and asked it come through this Committee and he can attend those meetings as well.

Council Member Wood asked Ms. Hagen to coordinate a meeting with the OCA and Brian McGrain to address the recent sign complaints and feedback from businesses with concerns. It was noted to Ms. Hagen that Mr. McGrain had indicated there were some proposed changes and they were going to follow up, however Council has not heard back. Council Member Hussain asked if the businesses owners are pushing back on the 20% window coverage or are upset that the ordinance that has been in place is now being enforced. Council Member Wood stated her understanding was that it was a combination of both.

Parking Ordinance Changes – Chapter 404

Ms. Bowen confirmed for the Committee that the changes from Draft 3 to the recent Draft 4 dated 9/5/2019 could be found on page 7, lines 10-13. This now states “No more than one annual permit and one temporary permit may be granted per residential parcel within a permit zone at any given time; no more than 4 temporary permits may be granted per calendar year;” Ms. Bowen then referenced the last meeting where the discussion was on defining “designate parking”. Council Member Wood clarified that the Committee wanted it clear that if a resident received a permit it was clearly defined the designated area, so they did not believe their permit allowed them to park in already designated “no parking” areas. Ms. Bowen acknowledged that the ordinance does not have a Definitions” section, and the Committee confirmed for her that they were not specific on where it was stated in the document, but that it needed to be stated.

Council Member Wood asked Ms. Hagen to provide a bullet point memo on the changes, what the process is, etc.

Council Member Wood asked the OCA to review page 8 lines 21-23 and page 9 line 1 which spoke to “zones”, noting there are only two (2) zones; 1- Downtown, 1- Residential. The OCA was asked to work with Public Service, specifically Andy Kilpatrick to confirm the correct zones and language.

The Committee will review the ordinance at their September 19, 2019 meeting, setting the hearing at that time and at Council on September 30, 2019 for October 14, 2019.

Council Member Wood informed the Committee that the new 911 Dispatch Director will be at the October 3, 2019 Committee meeting.

ADJOURN

Adjourned at 4:34 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1 THROUGH 16 TO ADD BUSINESS LICENSES TO ADDRESS RECREATIONAL MARIHUANA AND UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1300, Sections 1 – 16, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

CHAPTER 1300. - ~~MEDICAL MARIHUANA ESTABLISHMENTS~~ MARIHUANA OPERATIONS

1300.01. - Legislative intent.

The purpose of this eChapter is to exercise the police, regulatory, and land use powers of the City by licensing and regulating MARIHUANA OPERATIONS ~~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 and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of the City; and as such this eChapter constitutes a public purpose.

The City finds that the activities described in this eChapter 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.

The City further finds and declares that economic development, including job creation and training, and the protection of the public health, safety, and welfare of City neighborhoods and residents are public purposes.

Except as may be required or permitted by law or regulation, it is not the intent of this eChapter to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act or Section 8-501 of the City Charter, OR, RESTRICT THE PROTECTIONS OF MARIHUANA USE UNDER THE MICHIGAN TAXATION AND REGULATION OF MARIHUANA ACT.

(Ord. No. 1217, § 1, 9-7-17)

1300.02. - 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"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. (MMFLA), AS AMENDED, THE MARIHUANA TRACKING ACT ("MTA"), MCL 333.27901, ET. SEQ., THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA"), MCL 333.27951, ET. SEQ., shall have the definition given in those acts; ~~as amended, and the Marihuana Tracking Act ("MTA"), MCL 333.27901, et seq.~~ if the definition of a word or phrase set forth in this eChapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA ~~or~~ MTA, OR MRTMA then the definition in the MMMA, MMFLA, ~~or~~ MTA, OR MRTMA shall apply.

(b) Any term defined by 21 USC 860(e) referenced in this eChapter shall have the definition given by 21 USC 860(e).

(c) This eChapter shall not limit an individual or entity's rights under the MMMA, MMFLA ~~or~~ MTA, OR MRTMA and these acts supersede this eChapter where there is a conflict between them and the immunities and protections established in the MMMA AND MRTMA unless superseded or preempted by the MMFLA AND/OR MRTMA.

(d) All activities related to medical marihuana, including those related to a ~~Medical~~ ~~Marihuana~~ ~~Provisioning~~ eCenter, a ~~Medical~~ ~~Marihuana~~ ~~g~~Grower ~~f~~Facility, a ~~Medical~~ ~~Marihuana~~

Secure Transporter, a Medical Marijuana Processor or a Medical Marijuana Safety Compliance Facility shall be in compliance with the rules of the MARIJUANA REGULATORY AGENCY ~~Medical Marijuana Licensing Board~~, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City, the MMMA, MMFLA and the MTA.

(e) ALL ACTIVITIES RELATED TO NON-MEDICAL MARIHUANA SHALL BE IN COMPLIANCE WITH THE RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY AND MRTMA.

(ef) Any use which purports to have engaged in the cultivation or processing of ~~medical~~ marijuana into a usable form, or the distribution of ~~medical~~ marijuana, or the testing of ~~medical~~ marijuana either prior to or after enactment of this Chapter without obtaining the required licensing set forth in this Chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter, and/or State law. ~~The City finds and determines that it has not heretofore authorized or licensed the existence of any medical marijuana establishment, as defined herein, in the City in and under any form whatsoever.~~ Any license granted pursuant to this Chapter shall be exclusive to the licensee, AND is a revocable privilege., ~~and is not intended to, nor shall it, create a property right.~~ Granting a license does not create or vest any right, title, franchise, or other property right.

(fg) The following terms shall have the definitions given:

Application/LICENSE APPLICATION means an application for a license pursuant to the terms and conditions set forth in Sections 1300.054 and 1300.065.

Application for a License Renewal means an application for a license renewal pursuant to the terms and conditions of Section 1300.07.

Buffered Use means a use subject to the buffering and dispersion requirements of Sections 1300.13(a)10 and 1300.13(d)11.

Building means an independent, enclosed structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures not in compliance with MMMA OR MRTMA. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Chapter means this Chapter 1300.

Church means an entire ~~SPACE-building~~ set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

City means the City of Lansing, Michigan.

Council or City Council, means the City Council of Lansing, Michigan.

Clerk shall mean the City Clerk of Lansing, Michigan.

~~*Cultivation or cultivate* as used in this chapter means: (1) all phases of growth of marihuana from seed to harvest, and drying trimming, and curing; (2) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.~~

~~*Disqualifying felony* means a felony that makes an individual ineligible to serve as a registered primary caregiver under the MMMA, MMFLA or MTA.~~

Employee means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

~~*License or medical marihuana business license*~~ means a license issued for the operation of a medical marihuana FACILITY OR MARIHUANA establishment pursuant to the terms and conditions of this eChapter and includes a license which has been renewed pursuant to Section 1300.07.

~~*License application*~~ means an application submitted for a license pursuant to the requirements and procedures set forth in Sections 1300.054 and 1300.065.

Licensee means a person issued a license for A MEDICAL MARIHUANA FACILITY OR MARIHUANA ESTABLISHMENT ~~an establishment~~ pursuant to this eChapter.

~~*Marihuana*~~ means all parts of the plant *Cannabis Sativa L.*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparations of the plant or its seeds or resin.

~~Marihuana does not include:~~

~~(1) The mature stalks of the plant;~~

~~(2) Fiber produced from the stalks, oil or cake made from the seeds of the plant;~~

~~(3) Any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, (except the resin extracted from those stalks, fiber, oil or cake); or~~

~~(4) Any sterilized seed of the plant that is incapable of germination; or~~

~~(5) Industrial hemp grown or cultivated or both for research, purposes under the Industrial Hemp Research Act.~~

122 *LIMIT* MEANS A COMPETITIVE APPLICATION PROCESS BY WHICH THE MUNICIPALITY
 123 SELECTS APPLICANTS WHO ARE BEST SUITED TO OPERATE IN COMPLIANCE WITH
 124 THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT AND THIS
 125 ORDINANCE AND PREVENTS THE DEPARTMENT OF LICENSING AND REGULATORY
 126 AFFAIRS FROM ISSUING A STATE LICENSE WITHIN THE MUNICIPALITY'S JURISDICTION
 127 IF THE APPLICANT IS NOT SELECTED, IN COMPLIANCE WITH MCL § 333.27956(1) AND
 128 MCL § 333.27959(4).

129 *MARIHUANA ESTABLISHMENT* MEANS ANY MARIHUANA OPERATION THAT IS
 130 REQUIRED TO BE LICENSED UNDER THIS CHAPTER AND POSSESSES A LICENSE OR
 131 APPROVAL TO OPERATE UNDER THE MRTMA, INCLUDING A MARIHUANA
 132 MICROBUSINESS, A MARIHUANA RETAILER, A MARIHUANA GROWER, A MARIHUANA
 133 PROCESSOR, A MARIHUANA SECURE TRANSPORTER, A MARIHUANA SAFETY
 134 COMPLIANCE FACILITY, AND A DESIGNATED CONSUMPTION ESTABLISHMENT.

135 ~~*Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or~~
 136 ~~similar product containing any usable marihuana that is intended for human consumption in a~~
 137 ~~manner other than smoke inhalation. Marihuana-infused product shall not be considered a food~~
 138 ~~for purpose of the Food Law, 2000 PA 92, MCL 289.1101—289.8111.~~

139 ~~*Marihuana Tracking Act* or "MTA" means Public Act 282 of 2016 MCL 333.27901, et seq.~~

140 ~~*Medical marihuana* means any marihuana intended for medical use that meets all descriptions~~
 141 ~~and requirements for medical marihuana contained in the MMMA, MMFLA and the MTA and~~
 142 ~~any other applicable law.~~

143 ~~*Medical Marihuana Commission* or *Commission* means the Medical Marihuana Commission~~
 144 ~~established under Section 1300.03 of this chapter.~~

145 ~~*Medical Marihuana Facilities Licensing Act* or *MMFLA* means Public Act 281 of 2016, MCL~~
 146 ~~333.27101, et seq.~~

~~Medical marihuana establishment(s), or establishment, means any facility, establishment and/or center that is required to be licensed under this chapter and possesses a license or approval to operate under the MMFLA, 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 mMarihuana gGrower facility,~~ means a LICENSEE THAT IS A commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA OR MRTMA and is licensed by the City pursuant to terms and conditions of this eChapter that cultivates, dries, trims or cures and packages marihuana in accordance with State law.

~~Medical Marihuana Licensing Board means the State board established pursuant to the MMFLA.~~

MARIHUANA MICROBUSINESS MEANS A PERSON OR ENTITY LICENSED TO CULTIVATE NOT MORE THAN 150 MARIHUANA PLANTS; PROCESS AND PACKAGE MARIHUANA; AND SELL OR OTHERWISE TRANSFER MARIHUANA TO INDIVIDUALS WHO ARE 21 YEARS OF AGE OR OLDER OR TO A MARIHUANA SAFETY COMPLIANCE FACILITY, BUT NOT TO OTHER MARIHUANA ESTABLISHMENTS, LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER.

MARIHUANA OPERATION/OPERATOR MEANS ALL TYPES OF MEDICAL AND NON-MEDICAL MARIHUANA ESTABLISHMENTS AND FACILITIES OPERATING IN THE CITY OF LANSING THAT ARE REQUIRED TO BE LICENSED UNDER THIS CHAPTER AND POSSESS A LICENSE OR APPROVAL TO OPERATE UNDER STATE LAW.

MARIHUANA PROCESSOR OR MEDICAL MARIHUANA PROCESSOR FACILITY MEANS A COMMERCIAL ENTITY LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO

OPERATE BY THE STATE PURSUANT TO THE MMFLA OR MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A MARIHUANA-INFUSED PRODUCT, PROCESSES AND PACKAGES MARIHUANA, AND SELLS OR OTHERWISE TRANSFERS MARIHUANA TO MARIHUANA OPERATIONS, TO THE EXTENT PERMITTED BY STATE LAW AND RULES.

MARIHUANA RETAILER MEANS A LICENSEE LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER TO OBTAIN MARIHUANA FROM MARIHUANA ESTABLISHMENTS AND TO SELL OR OTHERWISE TRANSFER MARIHUANA TO A MARIHUANA ESTABLISHMENT AND TO INDIVIDUALS WHO ARE 21 YEARS OF AGE OR OLDER.

MARIHUANA SAFETY COMPLIANCE FACILITY OR MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY MEANS A COMMERCIAL OR BUSINESS ENTITY LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MMFLA OR MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT TESTS MARIHUANA, INCLUDING CERTIFICATION FOR POTENCY, THE PRESENCE OF CONTAMINANTS, AND TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS.

MARIJUANA REGULATORY AGENCY OR MRA MEANS THE AGENCY WITHIN THE STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CREATED PURSUANT TO EXECUTIVE ORDER 2019-07 TO REGULATE MEDICAL AND RECREATIONAL MARIHUANA.

MEDICAL MARIHUANA FACILITY MEANS ANY FACILITY OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER AND POSSESSES A LICENSE OR APPROVAL TO OPERATE FROM THE STATE UNDER THE MMFLA, INCLUDING: A MEDICAL

MARIHUANA PROVISIONING CENTER, A MEDICAL MARIHUANA PROCESSOR, A
 MEDICAL MARIHUANA GROWER FACILITY, A MARIHUANA SECURE TRANSPORTER,
 AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

Medical ~~m~~Marihuana ~~p~~Provisioning ~~e~~Center, means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this ~~e~~Chapter, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by State law. Medical ~~m~~Marihuana ~~p~~Provisioning ~~e~~Center, as defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with State law and regulation. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the State's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a ~~m~~Medical ~~m~~Marihuana ~~p~~Provisioning ~~e~~Center for purposes of this ~~e~~Chapter.

MMFLA means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. as amended from time to time.

MMMA means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

MRTMA MEANS THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT,
 MCL 333.27951, ET. SEQ. AS AMENDED FROM TIME TO TIME.

MTA means the Marihuana Tracking Act, MCL 333.27901, et seq. as amended from time to time.

Ordinance means the ordinance adopting this Chapter 1300.

Park means an area of land designated by the City as a park on its master plan or on a Council-approved list of City parks.

Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

~~*Processor or medical marihuana processor facility* means a commercial entity located in this City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, to the extent permitted by State law.~~

~~*Public pPlayground eEquipment* means an outdoor facility, grouping, or concentration open to the public and on public property and containing three or more apparatus, including, but not limited to, slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or other unit or agency of government.~~

~~*Restricted/limited access area* means a building, room or other area under the control of the licensee with access governed by the MMMA, the MMFLA, the MTA or other applicable State law.~~

~~*Safety compliance facility or medical marihuana safety compliance facility* means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this chapter, that receives marihuana from a medical marihuana establishment or a registered qualifying patient or a registered primary caregiver, tests it for contaminants and for Tetrahydrocannabinol and other cannabinoids in accordance with State law.~~

School means and includes buildings used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12, and headstart when that instruction is provided by a public, private, denominational, or parochial school.

~~*Secure tTransporter*~~ or ~~*mMedical mMarihuana sSecure tTransporter*~~ means a commercial or business entity that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed to operate by the City pursuant to the terms and conditions of this eChapter, that

stores marihuana and transports marihuana between medical marihuana facilities OR
MARIHUANA ESTABLISHMENTS for a fee and in accordance with State law.

Stakeholder means, with respect to a trust, the trustee and beneficiaries; with respect to a
limited liability company, the managers and members; with respect to a corporation, whether
profit or non-profit, the officers, directors, or shareholders; and with respect to a partnership or
limited liability partnership, the partners, both general and limited.

State means the State of Michigan.

WARD MEANS THE FOUR WARDS OF THE CITY OF LANSING AS OUTLINED IN 2-203 OF
THE LANSING CITY CHARTER.

(gh) Any term defined by the MMMA, the MMFLA, ~~or the~~ MTA, OR MRTMA and not defined in this
chapter shall have the definition given in the MMMA, MMFLA, ~~or~~ MTA, OR MRTMA as
applicable.

(Ord. No. 1217, § 1, 9-7-17)

~~1300.03. Establishment of the Medical Marihuana Commission; membership; chairperson; meetings.~~

~~(a) The Medical Marihuana Commission is hereby established. The Commission shall consist of five
members, who shall be appointed by the Mayor with the consent of City Council. Members shall
serve for terms of office of three years. For the initial appointments to the Commission, one member
shall serve for a term of one year, two members shall serve for a term of two years, and two
members shall serve for a term of three years.~~

~~(b) The members of the Commission shall include the following:~~

~~(1) Four members, one from each ward of the City; member recommendations may be made to
the Mayor by the Council person in each ward.~~

~~(2) One at large member who is a resident of the City. Member recommendations may be made to
the Mayor by the at large Council persons.~~

~~(3) Each member shall be a resident of the City.~~

~~(c) The chairperson of the Commission shall be elected annually by a majority vote of the members of the Commission. The Commission may meet at such times as the Commission may determine or as otherwise required in this chapter. The Commission shall adopt and file its own rules of procedure in accordance with the procedures set forth in Section 5-105 of the City Charter. The Commission shall maintain a written record of its proceedings and actions which shall be available for public inspection, showing the action of the Commission and the vote of each member upon each question considered. All meetings of the Commission shall be held in conformance with the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 et seq. The physical presence of three members shall constitute a quorum for Commission meetings. A majority vote of members physically present at a duly convened meeting of the Commission, a quorum being present, shall be necessary for any action. Electronic or telephonic presence shall not constitute physical presence; nor shall any such means be utilized for voting or decision making purposes.~~

~~(d) No voting member of the Commission shall hold any other public office or public employment in any local unit of government supported by City property taxes in whole or in part. No member of the Commission shall have any direct financial interest in a medical marihuana establishment.~~

~~(e) The Commission shall review and decide all appeals that are forwarded to it by the City Clerk under this chapter. The Commission's review of an appeal shall not be de novo. The Commission shall only overturn, or modify, a decision or finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding.~~

~~(f) The Commission may propose changes to this chapter to the City Council and may recommend rules and regulations related to this chapter for Council approval.~~

~~(g) The Chief of Police (or a designee), the Chief of the Fire Department (or a designee) and the Director of Planning and Neighborhood Development (or a designee) shall serve and advise the Commission in an ex officio non-voting capacity.~~

299 (Ord. No. 1217, § 1, 9-7-17)

300 1300.043. - Operation without license prohibited.

301 (a) Every MARIHUANA OPERATION ~~medical-marihuana-establishment~~ in the City shall be licensed
 302 pursuant to the terms and provisions set forth in this eChapter. No person shall operate a
 303 MARIHUANA OPERATION ~~medical-marihuana-establishment~~ in the City without first obtaining a
 304 license ~~for the medical-marihuana-establishment~~ from the City Clerk. A MARIHUANA OPERATION
 305 ~~medical-marihuana-establishment~~ operating without a license under the provisions of this eChapter
 306 or without a State license or approval pursuant to the MMFLA OR MRTMA, as amended from time to
 307 time, is hereby declared to be a public nuisance.

308 (b) The term of each license for a proposed location shall be one year. A license issued under this
 309 eChapter for a proposed location may be conditioned on the approval of the operator by the State
 310 pursuant to the MMFLA AND/OR MRTMA at the location licensed under this eChapter.

311 (Ord. No. 1217, § 1, 9-7-17)

312 1300.054. - License application submission.

313 (a) Each MARIHUANA OPERATION ~~medical-marihuana-establishment~~ must be licensed by the City.
 314 Applications for a license shall be made in writing to the City Clerk. All applications submitted to the
 315 City Clerk in accordance with the provisions of this eChapter shall be considered for the issuance of
 316 a license. An applicant may apply for multiple ~~medical-marihuana-establishment~~ licenses under this
 317 eChapter of the same or different natures simultaneously, AS PERMITTED BY LAW.

318 (b) A complete application for a license or licenses required by this eChapter shall be made under oath
 319 on forms provided by the City Clerk, and shall contain all of the following:

320 (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email
 321 address, one or more phone numbers, including emergency contact information, and a copy of
 322 a government-issued photo identification card of the applicant.

(2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.

(3) THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE IF OTHER THAN THE APPLICANT.

(4) The name and address of the proposed MARIHUANA OPERATION ~~medical marihuana establishment~~ and any additional contact information deemed necessary by the City Clerk.

(5) APPLICANT OR LICENSEE SHALL KEEP RECORDS OF THE RESULTS OF THE CRIMINAL HISTORY BACKGROUND CHECKS PERFORMED PURSUANT TO MMFLA AND/OR MRTMA REQUIREMENTS AND SHALL PROVIDE COPIES FOR EVERY APPLICANT, LICENSEE, STAKEHOLDER, AND EMPLOYEE TO THE CITY CLERK WITHIN 5 BUSINESS DAYS OF RECEIPT.

~~(4) With respect to medical marihuana provisioning centers, for the applicant and for each stakeholder and employee of the applicant, affirmation that each is at least 18 years of age and has not been convicted of or pled guilty or no contest to a disqualifying felony. With respect to all other medical marihuana establishments, for the applicant and for each stakeholder and employee of the applicant, an affirmation that each and every person is at least 18 years of age and has not been convicted of or pled guilty or no contest to a disqualifying felony.~~

~~(5) A signed release authorizing the Police Department to perform a criminal background check to ascertain whether the applicant, each stakeholder of the applicant, each operator and employee of the applicant meet the criteria set forth in this chapter.~~

~~(6) With respect to medical marihuana provisioning centers, the name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.~~

(6) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.

~~(8) For the applicant or for each stakeholder of the applicant, a resume that includes whether the individual has any relevant experience with medical marihuana or a related industry.~~

~~(9) A patient education plan to detail to patients the benefits or drawbacks of certain marihuana strains or products in connection with the debilitating medical conditions set forth in the Michigan Medical Marihuana Act.~~

~~(10) With respect to medical marihuana provisioning centers, a description of drug and alcohol awareness programs that shall be provided or arranged for by the applicant and made available for the public.~~

~~(11) A written description of the training and education that the applicant will provide to all employees.~~

(712) A copy of the proposed business plan for the MARIHUANA OPERATION establishment, including, but not limited to, the following:

i. The proposed ownership structure of the MARIHUANA OPERATION establishment, including percentage ownership of each person or entity; and

ii. A current organization chart that includes position descriptions and the names of each person holding each position; and

~~iii. A proposed marketing, advertising, and business promotion plan, including plans to minimize the exposure of marketing or promoting marihuana products to minors; and~~

~~iv. Planned tangible capital investment in the City, including detail related to the number and nature of applicant's proposed medical marihuana establishments in the City and whether~~

~~the locations of such establishments will be owned or leased; further, if multiple licenses are proposed, an explanation of the economic benefits to the City and job creation, if any, to be achieved through the award of such multiple licenses. Supporting factual data shall be included with the response to this subsection; and~~

~~v. Expected job creation from the proposed medical marihuana establishment(s); and~~

~~vi. Planned worker training programs; and~~

~~vii. Financial structure and financing of the proposed medical marihuana establishment(s);~~

~~and~~

~~viii. Short term and long term goals and objectives consistent with this chapter; and~~

~~ix. If a medical marihuana grower facility(ies) are proposed, plans to integrate such facility(ies) with other proposed medical marihuana establishments and a statement whether the medical marihuana grower facility will grow 1,000 plants or more and the square footage of the building(s) housing such grower facility, and if so, will the facility contain more than 10,000 square feet of space;~~

~~x. Community outreach/education plans and strategies;~~

~~xi. Charitable plans and strategies, whether fiscally or through volunteer work.~~

~~(813)~~ One of the following: (a) proof of ownership of the entire premises wherein the MARIHUANA OPERATION ~~medical marihuana establishment~~ is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this eChapter along with a copy of any lease for the premises.

~~(14)~~ A description of the security plan for the medical marihuana establishment, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each piece of security equipment. Each medical marihuana establishment must have a security guard present during business hours or alternative security procedures shall be proposed in the business plan.

(915) VERIFY COMPLIANCE WITH STATE-MANDATED SECURITY MEASURES AS OUTLINED IN EMERGENCY RULE 35 OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS: ADULT-USE MARIHUANA ESTABLISHMENTS EMERGENCY RULES OF JULY 3, 2019, AS MAY BE UPDATED OR AMENDED FROM TIME TO TIME.

(10) A floor plan of the MARIHUANA OPERATION ~~medical-marihuana establishment~~, as well as a scale diagram illustrating the property ~~upon which the medical-marihuana establishment is to be operated~~, including all available parking spaces, ~~and specifying which parking spaces, if any, are handicapped-accessible~~ all available handi-capped accessible parking, and noting storage spaces for any flammable or combustible substances.

~~(16) Any proposed text or graphical materials to be shown on the exterior of the proposed medical marihuana establishment.~~

(11) VERIFY COMPLIANCE WITH STATE-MANDATED MARKETING AND ADVERTISING RESTRICTIONS AS OUTLINED IN EMERGENCY RULE 52 OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS: ADULT-USE MARIHUANA ESTABLISHMENTS EMERGENCY RULES OF JULY 3, 2019, AS MAY BE UPDATED OR AMENDED FROM TIME TO TIME.

~~(1217)~~ A location area map, as measured pursuant to Section 1300.13(d)10, of the MARIHUANA OPERATION ~~medical-marihuana establishment~~ and surrounding area that identifies the relative locations and the distances, as measured pursuant to Section 1300.1310(d), to the buffered uses set forth in Section 1300.1310(a), AND NOTING ANY RESIDENTIALLY-ZONED PROPERTY WITHIN ¼ MILE OF THE MARIHUANA OPERATION.

~~(18) A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited.~~

~~(19) A proposed patient recordkeeping plan that will track quantities sold to individual patients and caregivers, and will monitor inventory.~~

~~(20) A description of procedures for testing of contaminants, including mold and pesticides.~~

(1321) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.

~~(22) Verification, including copies of actual bank statements, showing that the applicant has minimum net worth of \$100,000.00 in the applicant's name.~~

~~(23) An estimate of the number and type of jobs that the medical marihuana establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the medical marihuana establishment.~~

(1424) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.

~~(25) As it relates to a medical marihuana grower facility, the following additional items shall be required:~~

~~i. A cultivation plan that includes, at a minimum, a description of the cultivation methods to be used, including plans for the growing mediums, treatments, and/or additives;~~

~~ii. A production testing plan that includes, at a minimum, a description of how and when samples for laboratory testing by an international organization for standardization accredited testing facility will be selected, what type of testing will be requested, and how the test results will be used;~~

~~iii. An affidavit that all operations will be conducted in conformance with the MMA, the MMFLA, MTA and other applicable State law;~~

~~iv. A chemical and pesticide storage plan that states the names of the pesticides to be used in cultivation and where and how pesticides and chemicals will be stored in the establishment, along with a plan for the disposal of unused pesticides;~~

~~v. All cultivation must be performed in a building. The applicant shall specifically acknowledge this provision.~~

(1526) Proof of an insurance policy covering EACH LICENSEE the establishment and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least \$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with State law. The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. THE INSURER MUST BE LICENSED IN THE STATE OF MICHIGAN.

(1627) a.i. Proof of a surety bond in the amount of \$50,000 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this Chapter in a manner and surety approved by the City Attorney; or, in the alternative,

b.ii. Creation of an escrow account as follows:

i.a. The account must be provided by a State or federally regulated financial institution or other financial institution ~~approved by the City Attorney based upon an objective assessment of the institution's financial stability~~; and

ii.b. The account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and

iii.c. The account must be in the amount of \$20,000.00 and in a form prescribed by the City Attorney.

(17) PROJECTED OR ACTUAL ANNUAL BUDGET AND REVENUE BASED UPON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP STANDARDS) DEMONSTRATING SUFFICIENT FINANCIAL RESOURCES TO FUND AND EXECUTE THE SUBMITTED BUSINESS PLANS AND BUILDING PLANS.

(18) AN ESTIMATE OF THE NUMBER AND TYPE OF FULL-TIME EQUIVALENT JOBS THAT THE MARIHUANA OPERATION EXPECTS TO CREATE AND THE AMOUNT AND TYPE OF COMPENSATION FOR EACH POSITION, INCLUDING BUT NOT LIMITED TO HEALTHCARE, RETIREMENT, AND PAID TIME OFF.

(19) SUBMISSION OF AN ODOR PLAN TO ADDRESS ANY POTENTIAL ODORS STEMMING FROM THE USE, STORAGE, GROWING, OR PROCESSING OF MARIHUANA.

(20) EXECUTION OF THE FINANCIAL RESOURCES LITIGATION HISTORY FORM MADE AVAILABLE BY THE CITY CLERK.

(21) EXECUTION OF THE MORALS, GOOD ORDER AND GENERAL WELFARE LITIGATION HISTORY FORM MADE AVAILABLE BY THE CITY CLERK.

~~(2228)~~ Any other information REQUESTED BY THE CITY CLERK TO ASSIST IN THE REVIEW OF THE APPLICATION. ~~which may be required by Commission rule or City Council ordinance from time to time.~~ FAILURE TO PROVIDE REQUIRED OR REQUESTED INFORMATION MAY

RESULT IN AN INCOMPLETE APPLICATION DETERMINATION AND MAY RESULT IN DENIAL OR REVOCATION OF LICENSURE.

(23) THERE IS AN ONGOING OBLIGATION TO PROVIDE UPDATED INFORMATION TO THE CITY CLERK. SHOULD THERE BE A CHANGE TO ANY PORTION OF AN APPLICATION, THE APPLICANT MUST ADVISE THE CITY CLERK WITHIN 7 DAYS FROM DATE OF CHANGE AND PROVIDE ANY DOCUMENTATION TO SUPPORT THE CHANGE IN APPLICATION. FAILURE TO PROVIDE DOCUMENTATION SHALL RESULT IN AN INCOMPLETE APPLICATION DETERMINATION AND IS SUBJECT TO DENIAL OF LICENSURE.

(c) ~~EACH~~ All applications shall be accompanied by a license application fee in an amount of \$5,000.00. ~~Should the applicant not receive a license, one-half of the application fee shall be returned.~~

(d) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the CITY ATTORNEY ~~Fire Department~~, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.

(e) ~~Except as provided in Section 1300.18~~ No application shall be approved unless:

(1) ~~The Fire Department and the Building Safety Office have~~ inspected the proposed location OR APPROVED PROPOSED SITE PLANS for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Chapter.

(2) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code and this Chapter, ~~including any variances granted under Section 1300.18.~~

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant ~~and the proposed location of the establishment~~ are not in default to the City, INCLUDING BUT NOT LIMITED TO, NON-PAYMENT OF PROPERTY TAXES.

(4) The Police Department has REVIEWED THE CRIMINAL HISTORY BACKGROUND CHECKS FOR EACH APPLICANT, STAKEHOLDER, AND EMPLOYEES PROVIDED BY THE

APPLICANT. ~~determined that the applicant has met the requirements of this chapter with respect to the background check and security plan.~~

(5) THE CITY ATTORNEY'S OFFICE HAS REVIEWED AND APPROVED AS TO FORM THE INSURANCE AND EITHER THE SURETY BOND OR ESCROW ACCOUNT DOCUMENTATION FOR COMPLIANCE WITH STATE AND LOCAL LAWS.

(Ord. No. 1217, § 1, 9-7-17)

1300.056. - License application evaluation.

(a) THE CLERK MAY OPEN A 30 DAY ENROLLMENT PERIOD AT HIS OR HER DISCRETION FOR ANY LICENSE TYPE.

(b) The City Clerk shall assess, evaluate, score and rank all COMPLETE MEDICAL MARIHUANA PROVISIONING CENTER, MARIHUANA RETAILER, MEDICAL MARIHUANA GROW, MARIHUANA GROW, MEDICAL MARIHUANA PROCESSOR, MARIHUANA PROCESSOR, MARIHUANA MICROBUSINESS, AND DESIGNATED CONSUMPTION ESTABLISHMENT applications submitted according to the provisions of this eChapter. ASSESSMENT, EVALUATION, SCORING, AND RANKING SHALL BE COMPLETED FOR EACH LICENSE TYPE. ADDITIONALLY, THE CLERK SHALL ASSESS, EVALUATE, SCORE AND RANK MARIHUANA MICROBUSINESS AND DESIGNATED CONSUMPTION ESTABLISHMENT APPLICATIONS BASED UPON WARD. No application WILL BE EVALUATED, SCORED, OR RANKED ~~shall be accepted for assessment, evaluation, scoring, and ranking~~ unless such application contains the approvals required by Section 1300.04(e)5 AND THE APPLICATION CONTAINS ALL REQUIRED INFORMATION OUTLINED IN 1300.04. ALL OTHER TYPES OF MARIHUANA OPERATION LICENSES SHALL BE ASSESSED FOR COMPLETENESS AND COMPLIANCE WITH THE TERMS OF THIS CHAPTER.

(bc) THE CITY CLERK'S ASSESSMENT, EVALUATION, SCORE, AND RANK OF EACH APPLICATION THAT REQUIRES SCORING SHALL BE BASED UPON A SCORING CRITERIA CREATED BY

THE CITY CLERK CONSISTENT WITH THE REQUIREMENTS AND CONDITIONS OF THIS CHAPTER. SCORING SHALL FALL UNDER THE FOLLOWING GENERAL CATEGORIES: CONTENT AND SUFFICIENCY, CONSISTENCY WITH SURROUNDING LAND USE AND RESIDENT SAFETY, DEMONSTRATION OF SUFFICIENT FINANCIAL RESOURCES, AND PROMOTION OF LOCAL BUSINESS. THE CITY CLERK SHALL AWARD CONDITIONAL APPROVAL OR LICENSES TO THE TOP SCORING COMPLETE APPLICATIONS FOR THE NUMBER OF LICENSES AVAILABLE DURING EACH ENROLLMENT PERIOD. SCORING AND RANKING RENEWS WITH EACH ENROLLMENT PERIOD. ~~In its application assessment, evaluation, scoring, and ranking, deliberations, the Clerk shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the Clerk consistent with the requirements, conditions, and provisions of this chapter in each of the categories set forth below in this subsection.~~ Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero points to 100 points with the lowest overall total score as zero points and the highest possible total score being 100 points. THE CLERK RETAINS THE RIGHT TO AWARD FEWER LICENSES THAN THE NUMBER AVAILABLE IF THE REMAINING LICENSE APPLICATION SCORES FALL BELOW 75/100, HOWEVER, NO LICENSE SHALL BE AWARDED TO AN APPLICANT WHOSE SCORE FALLS BELOW 60/100.

- (d) IN THE ASSESSMENT, EVALUATION, SCORE, AND RANKING OF LICENSE APPLICATIONS THE CITY CLERK MAY GIVE PREFERENCE TO LOCATIONS THAT IMPROVE ACCESS TO MEDICAL MARIHUANA PATIENTS, ARE CONSISTENT WITH SURROUNDING AND NEARBY LAND USE, AND LIMIT POTENTIAL EXPOSURE OR DISTURBANCE OF NEIGHBORHOODS.

~~(1) The content and sufficiency of the information contained in 1300.05(b)(12) and (23); the maximum number of scoring points in this category shall be 50 points.~~

~~(2) Whether the proposed establishment will be consistent with land use for the surrounding neighborhood and not have a detrimental effect on traffic patterns and resident safety. The maximum number of scoring points in this category shall be 20 points.~~

~~(3) Planned outreach on behalf of the proposed establishment, and whether the applicant or its stakeholders have made, or plan to make, significant physical improvements to the building housing the medical marihuana establishment, including plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood. The maximum number of scoring points in this category shall be ten points.~~

~~(4) Whether the applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; whether the applicant or any of its stakeholders have previously operated an illegal business of any kind, including any violation of City medical marihuana moratoriums. The maximum number of scoring points in this category shall be ten points.~~

~~(5) Whether the applicant has reasonably and tangibly demonstrated it possesses sufficient financial resources to fund, and the requisite business experience to execute, the submitted business plan and other plans required by Section 1300.05. The maximum number of scoring points in this category shall be ten points.~~

~~(ce) Based upon testimony, written and oral comments from the public feedback, RECOMMENDATIONS FROM RELEVANT BOARDS AND COMMISSIONS, Planning Board review, maps, historical data, Council committee deliberations, and public hearings, the City Council finds and determines that it is in the public interest and serves a public purpose that the maximum number of LOCATIONS FOR BOTH MEDICAL MARIHUANA PROVISIONING CENTERS AND MARIHUANA RETAILERS licenses issued for medical marihuana provisioning centers shall be capped at 2825. and implemented in a two-phase process in order to balance serving patients' needs and spreading economic development. A SINGLE LOCATION MAY SERVE AS BOTH A MEDICAL MARIHUANA PROVISIONING CENTER AND MARIHUANA RETAILER.~~

~~(1) Phase one: At the conclusion of a 30-day enrollment period set by the City Clerk, the City Clerk shall begin processing of applications for authorization of a maximum of 20 provisioning center licenses to allow for an efficient and manageable administrative review. The City Clerk may adjust distribution of phase two licenses to meet patients' needs.~~

~~(2) Phase two: At the conclusion of a second 30-day enrollment period set by the Clerk, which is open to new applications and amended applications, the Clerk may authorize a maximum of five additional provisioning center licenses during the two-phase process. An application submitted during phase one to the Clerk, but not selected for approval during phase one, may be considered for approval during phase two. The Clerk will initiate phase two within one year of the start of phase one.~~

~~(fe) In the event that there are more applicants for provisioning center licenses who meet the minimum requirements set forth in Section 1300.06(b) than there are licenses available in either phase one or two, the top scoring 20 applicants in phase one and top scoring five applicants in phase two, shall be eligible to receive provisioning center licenses in accordance with the assessment, evaluation, scoring, and ranking procedures established in this chapter. In the event of an evaluation scoring tie during AN ENROLLMENT PERIOD either phase one or phase two, which causes there to be more APPLICANTS THAN LICENSES OR LOCATIONS AVAILABLE than 20 and five highest scoring applicants respectively, the scoring-tied applicants will be entered into a random draw using procedures set by the City Clerk consistent with subsections 1300.06(c) and (d). Those applications randomly selected shall be eligible to receive THE LICENSE APPLIED FOR CONSISTENT WITH THIS CHAPTER. a provisioning center license; however, in no event shall the maximum number of provisioning center licenses ever exceed 25. All license applications must be submitted during the open enrollment periods set by the Clerk.~~

~~(ef) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a license of any kind or nature whatsoever including, but not limited to, any claim of entitlement.~~

~~(fg) The Clerk may engage professional expert assistance in performing the Clerk's duties and responsibilities under the eChapter.~~

~~(h) IF THE APPLICANT APPLIES FOR A STATE LICENSE, THE APPLICANT MUST NOTIFY THE CITY CLERK OF THE PENDING STATE APPLICATION WITHIN 7 DAYS IN WRITING BY CERTIFIED MAIL.~~

- (i) IF THE APPLICANT HAS NOT APPLIED FOR A STATE LICENSE, THE APPLICANT MUST APPLY FOR A STATE LICENSE WITHIN 28 DAYS OF SUBMITTING AN APPLICATION TO THE CITY CLERK.

(Ord. No. 1217, § 1, 9-7-17)

1300.06. – LIMITS ON LICENSES AND LOCATIONS.

(a) BASED UPON INVESTIGATION, RECOMMENDATIONS, REVIEW, AND CONSIDERATION FROM THE PUBLIC, RELEVANT BOARDS AND COMMISSIONS, PLANNING BOARD REVIEW, MAPS, HISTORICAL DATA, COUNCIL COMMITTEES, AND PUBLIC HEARINGS AND MEETINGS, THE CITY COUNCIL FINDS AND DETERMINES THAT IT IS IN THE PUBLIC INTEREST AND SERVES A PUBLIC PURPOSE TO LIMIT, AS DEFINED, THE FOLLOWING LICENSES:

- (1) THE MAXIMUM NUMBER OF LOCATIONS FOR BOTH MEDICAL MARIHUANA PROVISIONING CENTERS AND MARIHUANA RETAILERS SHALL BE CAPPED AT 28. A SINGLE LOCATION MAY SERVE AS BOTH A MEDICAL MARIHUANA PROVISIONING CENTER AND A MARIHUANA RETAILER.
- (2) THE MAXIMUM NUMBER OF LOCATIONS FOR MARIHUANA MICROBUSINESSES SHALL BE CAPPED AT 1 LOCATION PER WARD, AS DEFINED.
- (3) THE MAXIMUM NUMBER OF LOCATIONS FOR A DESIGNATED CONSUMPTION ESTABLISHMENTS SHALL BE CAPPED AT 1 LOCATION PER WARD, AS DEFINED.
- (4) UPON THE EFFECTIVE DATE OF THIS ORDINANCE THE MAXIMUM NUMBER OF LOCATIONS FOR MEDICAL MARIHUANA GROWS AND MARIHUANA GROWS SHALL BE CAPPED AT 75 LOCATIONS OR THE NUMBER OF LOCATIONS BASED UPON LICENSES AWARDED AND APPLICATIONS PENDING WITH THE CITY CLERK AS OF THE EFFECTIVE DATE OF THIS ORDINANCE, WHICHEVER IS HIGHER. A SINGLE LOCATION MAY SERVE AS BOTH A MEDICAL MARIHUANA GROW AND MARIHUANA GROW. BEGINNING JANUARY 1, 2021, AS LICENSES ARE DENIED OR ISSUED LICENSES ARE NOT

RENEWED, SUCH LICENSES SHALL BE ELIMINATED UNTIL THE TOTAL NUMBER OF
LOCATIONS HAS BEEN REDUCED TO 55.

1300.07. - License renewal application.

(a) Application for a license renewal required by this eChapter shall be made in writing to the City Clerk
at least 2830 days prior to the expiration of an existing license.

(b) An application for a license renewal required by this eChapter shall be made under oath on forms
provided by the City, and shall contain all of the information required by Section 1300.0504(b).

(c) An application for a license renewal shall be accompanied by a renewal fee in an amount of
\$5,000.00. ~~which half will be returned should the license not be renewed.~~ The renewal fee is
established to defray the costs of the administration AND ENFORCEMENT of this eChapter
EXPENDED BY THE CITY CLERK'S OFFICE, POLICE DEPARTMENT, CITY ATTORNEY'S
OFFICE, TREASURY, BUILDING SAFETY OFFICE, ZONING ADMINISTRATOR, AND OTHER
RELEVANT CITY DEPARTMENTS.

(d) Upon receipt of a completed application for a license renewal meeting the requirements of this
eChapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to
each of the following for their approval: the CITY ATTORNEY'S OFFICE ~~Fire Department~~, the
Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.

(e) No application for a license renewal shall be approved unless:

~~(1)~~i. The ~~Fire Department and the~~ Building Safety Office ~~has~~ inspected the proposed location
AND/OR APPROVED PROPOSED SITE PLANS for compliance with all laws for which they are
charged with enforcement within the past calendar year.

~~(2)~~ii. The Zoning Administrator has confirmed that the location complies with the Zoning Code and
this eChapter, ~~at the time a license is granted, including any variances granted under Section~~
~~1300.18.~~

~~(3)~~iii. The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the MARIHUANA OPERATION ~~medical-marihuana establishment~~ are not currently in default to the City, INCLUDING BUT NOT LIMITED TO PROPERTY TAXES.

~~(4)~~iv. The Police Department has reviewed THE CRIMINAL HISTORY BACKGROUND CHECKS FOR EACH APPLICANT, STAKEHOLDER, AND EMPLOYEE, AS PROVIDED BY THE APPLICANT. ~~the application and determined that the applicant has satisfied the requirements of this chapter with respect to the background check and security plan.~~

~~(5)~~v. THE CITY ATTORNEY'S OFFICE HAS REVIEWED AND APPROVED AS TO FORM THE INSURANCE AND EITHER THE SURETY BOND OR ESCROW ACCOUNT DOCUMENTATION FOR COMPLIANCE WITH STATE AND LOCAL LAWS.

~~(5)~~vi. The applicant possesses the necessary State licenses or approvals, ~~including those issued pursuant to the MMFLA.~~

~~(6)~~vii. The applicant has operated the MARIHUANA OPERATION ~~medical-marihuana establishment~~ in accordance with the conditions and requirements of this Chapter AS WELL AS FEDERAL AND STATE LAWS AND REGULATIONS.

~~(7)~~viii. The MARIHUANA OPERATION ~~medical-marihuana establishment~~ has not been declared a public nuisance.

~~(8)~~—The applicant is operating the ~~medical-marihuana establishment~~ in accordance with Federal, State, and local laws and regulations.

(f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk CONFIRMS COMPLIANCE WITH SUBSECTION (b) AND RECEIPT OF THE RENEWAL FEE, THE CITY CLERK shall issue a license renewal to the applicant. ~~If no renewal license is issued, half of the renewal fee shall be returned.~~ The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.

(Ord. No. 1217, § 1, 9-7-17)

707 1300.08. - Licenses generally.

708 (a) To the extent permissible under law, all information submitted in conjunction with an application for
 709 a license or license renewal required by this eChapter is confidential and exempt from disclosure
 710 under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq., including the
 711 trade secrets or commercial or financial information exemptions available under Section 13(f) of the
 712 Michigan Freedom of Information Act. Furthermore, no personal or medical information concerning
 713 the applicant shall be submitted to the CITY. ~~Medical Marijuana Commission.~~

714 (b) Licensees may transfer a license issued under this eChapter to a different location upon receiving
 715 written approval from the City Clerk. In order to request approval to transfer a license location, the
 716 licensee must make a written request to the City Clerk, indicating the current license location and the
 717 proposed license location. Upon receiving the written request, the City Clerk shall refer a copy of the
 718 written request to each of the following for their approval: the CITY ATTORNEY'S OFFICE ~~Fire~~
 719 ~~Department~~, the Building Safety Office, the Police Department, the Zoning Administrator, and the
 720 City Treasurer. No license transfer shall be approved unless each ~~such individual department, or~~
 721 AND entity gives written approval that the licensee and the proposed license location meet the
 722 standards identified in this eChapter, including but not limited to Section 1300.0504(e), and the City
 723 Clerk has determined that the proposed location meets the requirements of Sections
 724 ~~1300.0506(b)(2) and (3).~~ APPLICANTS MAY NOT CHANGE LOCATIONS DURING THE
 725 APPLICATION REVIEW PERIOD.

726 (c) A Licensees may transfer a license issued under this eChapter to a different individual or entity upon
 727 receiving written approval by the City Clerk. In order to request approval to transfer a license to a
 728 different individual or entity, the licensee must make a written request to the City Clerk, indicating the
 729 current licensee and the proposed licensee. Upon receiving the written request, the City Clerk shall
 730 REVIEW THE APPLICATION FOR CONFORMITY WITH ~~consider the request as a new application~~
 731 ~~for a license and the procedures set forth in Sections 1300.0504 and 1300.0605 shall be followed~~
 732 including submission of the license application fee. Application fees are non-transferable.

(d) A Licensees shall report any other change in the information required by this chapter to the City Clerk within 7 ~~ten~~-business days of the change. Failure to do so may result in suspension or revocation of the license.

~~(e) Any license application approved pursuant to this chapter shall not be effective, and no medical marihuana establishment may operate, unless the medical marihuana establishment is operated pursuant to a license or approval issued under the MMFLA.~~

(Ord. No. 1217, § 1, 9-7-17)

1300.09. - Minimum operational standards of a MARIHUANA OPERATION ~~medical marihuana provisioning center.~~

Except as may be preempted by state law or regulation:

(a) Every ~~Medical~~ ~~Marihuana~~ ~~Provisioning~~ ~~Center~~, MARIHUANA RETAILER, AND DESIGNATED CONSUMPTION ESTABLISHMENT must be located in a ~~Building~~, as defined under Section 1300.02.

(b) No ~~Medical~~ ~~Marihuana~~ ~~Provisioning~~ ~~Center~~, MARIHUANA RETAILER, MARIHUANA MICROBUSINESS, OR DESIGNATED CONSUMPTION ESTABLISHMENT shall be open between the hours of 10:00 p.m. and 9:00 a.m.

(c) Consumption of marihuana shall be prohibited on the premises of a MARIHUANA OPERATION ~~medical marihuana provisioning center~~ except as permitted by City Charter Section 8-501, and State law, AND A DESIGNATED CONSUMPTION ESTABLISHMENT LICENSE HAS BEEN OBTAINED.

~~(d) A medical marihuana provisioning center shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.~~

~~(e) Unless permitted by the MMMA, public or common areas of the medical marihuana provisioning center must be separated from restricted or non-public areas of the provisioning center by a permanent barrier. Unless permitted by the MMMA, no medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.~~

~~(f) All medical marihuana storage areas within medical marihuana provisioning center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, no medical marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Medical marihuana may be displayed in a sales area only if permitted by the MMFLA.~~

~~(g) Any usable medical marihuana remaining on the premises of a medical marihuana provisioning center while the medical marihuana provisioning center is not in operation shall be secured in a safe permanently affixed to the premises.~~

~~(h) Reserved.~~

~~(id) No MARIHUANA OPERATION medical marihuana provisioning center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the MARIHUANA OPERATION medical marihuana provisioning center is operated; or any other nuisance that hinders the public health, safety and welfare of the residents of the City.~~

~~(je) The license required by this eChapter shall be prominently displayed on the premises of a MARIHUANA OPERATION medical marihuana provisioning 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 alphanumeric 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.~~

~~(nf) 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. REFUSAL TO PERMIT INSPECTION MAY RESULT IN REVOCATION OR SUSPENSION OF LICENSURE.~~

~~(og) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.~~

~~(ph) NO OTHER ACCESSORY USES ARE PERMITTED WITHIN THE SAME ESTABLISHMENT OR FACILITY UNLESS EXPRESSLY PERMITTED BY STATE OR LOCAL LAW. It shall be~~

~~prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.~~

(ei) ~~ALL PROCESSING ACTIVITY SHALL BE PERFORMED INDOORS IN A BUILDING. No licensed medical marijuana provisioning center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana in any form or through any medium within the distance limitations set forth in Section 1300.13(a).~~

(r) ~~Certified laboratory testing results that display at a minimum the Tetrahydrocannabinol (THC), Cannabidiol (CBD), total cannabinoid testing results, and a pass/fail rating based on the certified laboratory's state required testing must be available to all medical marijuana provisioning center patients/customers upon request and prominently displayed.~~

(j) All persons working in direct contact with medical marijuana shall conform to hygienic practices while on duty, including but not limited to:

- i. Maintaining adequate personal cleanliness;
- ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
- iii. Refraining from having direct contact with medical marijuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(k) ~~MARIHUANA OPERATIONS Establishments~~ must be kept clean and in good repair, including proper disposal of all waste and litter.

(l) NO MEDICAL MARIHUANA PROVISIONING CENTER, MARIHUANA RETAILER, MARIHUANA MICROBUSINESS, OR DESIGNATED CONSUMPTION ESTABLISHMENT SHALL PERMIT THE SALE, CONSUMPTION, OR SERVING OF ALCOHOL.

(Ord. No. 1217, § 1, 9-7-17)

~~1300.10. Minimum operational standards of a medical marihuana grower facility.~~

~~(a) Except as may be preempted by State law or regulation, the following minimum standards for medical marihuana grower facilities shall apply:~~

~~(1) The medical marihuana grower facility shall comply at all times and in all circumstances with the MMMA, the MMFLA, the MTA, and the general rules of the Department of Licensing and Regulatory Affairs, or their successors, as they may be amended from time to time.~~

~~(2) Except as provided by State law and City Charter, consumption and/or use of medical marihuana shall be prohibited at the grower facility.~~

~~(3) All grower activity related to the grower facility shall be performed in a building.~~

~~(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.~~

~~(5) Any medical marihuana grower facility shall comply with the MTA and shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana plants on the premises which shall not exceed the amount permitted under the grower license issued by the state. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marihuana at the facility.~~

~~(6) All medical marihuana shall be contained within the building in a locked facility in accordance with the MMMA, the MMFLA, MTA, and the rules and regulations of the Medical Marihuana Licensing Board, as amended.~~

~~(7) All necessary building, electrical plumbing and mechanical permits shall be obtained from the City or other applicable government authority for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.~~

~~(8) That portion of the structure where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the Fire Department to ensure compliance with the State Fire Codes.~~

~~(9) The dispensing of medical marihuana at the medical marihuana grower facility shall be prohibited.~~

~~(10) There shall be no other accessory uses permitted within the same facility other than those associated with cultivating, processing, or testing medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana grower facility.~~

~~(11) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty, including but not limited to:~~

~~i. Maintaining adequate personal cleanliness;~~

~~ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;~~

~~iii. Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.~~

~~(12) 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.~~

~~(13) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.~~

~~(14) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.~~

~~(15) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.~~

~~(16) Each cultivation center shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.~~

~~(17) Medical marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.~~

~~(18) Medical marihuana grower facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind.~~

~~(19) Medical marihuana grower facilities shall produce no products other than useable medical marihuana intended for human consumption.~~

~~(b) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the facility as a medical marihuana grower facility shall be prohibited.~~

~~(c) Venting of marihuana odors into the areas surrounding the medical marihuana grower facility is deemed and declared to be a public nuisance.~~

(Ord. No. 1217, § 1, 9-7-17)

~~1300.11. Minimum operational standards of a medical marihuana safety compliance facility.~~

~~(a) Except as may be preempted by State law or regulation, the following minimum standards for safety compliance facilities shall apply:~~

~~(1) The safety compliance facility shall comply at all times and in all circumstances with the MMMA, the MMFLA, the MTA, and the general rules of the Medical Marihuana Licensing Board as they may be amended from time to time.~~

~~(2) Except as provided by State law and Section 8-501 of the City Charter consumption and/or use of medical marihuana shall be prohibited at the facility.~~

~~(3) The premises shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises.~~

~~(4) Any safety compliance facility shall maintain a log book and/or database identifying by date the amount of medical marihuana on the premises and from which particular source. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marihuana Act, as amended from time to time.~~

~~(5) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMMA, the MMFLA, and the MTA, and the rules and regulations of the Medical Marihuana Licensing Board, as amended.~~

~~(6) There shall be no other accessory uses permitted within the same facility other than those associated with testing medical marihuana.~~

~~(7) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a safety compliance facility.~~

~~(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 be 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.~~

(Ord. No. 1217, § 1, 9-7-17)

~~1300.12. Minimum operational standards of a medical marihuana processor facility and a medical marihuana secure transporter.~~

~~(a) Except as may be preempted by State law or regulation, the following minimum standards for a medical marihuana processor facility and a medical marihuana secure transporter shall apply:~~

~~(1) The processor and secure transporter shall comply at all times and in all circumstances with the MMMA, the MMFLA, MTA and the general rules of the Medical Marihuana Licensing Board and the Department of Licensing and Regulatory Affairs, or their successors, as the foregoing laws and regulations may be amended from time to time.~~

~~(2) Except as provided by State law and Section 8-501 of the 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.~~

~~(5) Any processor and/or secure transporter facility shall maintain a log book and/or database in accordance with the MMFLA, the MTA and the rules and regulations of the Medical Marihuana Licensing Board identifying by date the amount of medical marihuana on the premises which shall not exceed the amount permitted under the processor license issued by the State, to the extent a State permit process exists. This log shall be available to law enforcement personnel to confirm that the processor does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marihuana at the facility.~~

~~(6) All medical marijuana will be tagged with unique identification.~~

~~(7) All medical marihuana shall be contained within the building in a locked facility in accordance with the MMMA, the MMFLA, MTA and the rules and regulations of the Medical Marihuana Licensing Board, as amended.~~

~~(8) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing or secure transporting of medical marihuana are located.~~

~~(9) That portion of the structure where the storage of any chemicals exists shall be subject to inspection and approval by the Fire Department to ensure compliance with the Michigan Fire Protection Code.~~

~~(10) The dispensing of medical marihuana at the medical marihuana processor or secure transporter facility shall be prohibited except as authorized by City Charter and State law.~~

~~(11) There shall be no other accessory uses permitted within the same facility other than those associated with the processing multi-tenant commercial buildings may permit accessory uses in suites segregated from the processor facility.~~

~~(12) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty, including but not limited to:~~

~~i. Maintaining adequate personal cleanliness;~~

~~ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;~~

~~iii. Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.~~

~~(13) 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.~~

~~(14) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.~~

~~(15) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for~~

the waste development of odor and minimize the potential for waste becoming and attractant,
harborage or breeding places for pests.

~~(16) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.~~

~~(17) Each medical marihuana processor facility shall provide its occupants with adequate and
readily accessible toilet facilities that are maintained in a sanitary condition and good repair.~~

~~(18) Medical marihuana that can support the rapid growth of undesirable microorganisms shall be
held in a manner that prevents the growth of these microorganisms.~~

~~(19) Processor facilities shall be free from infestation by insects, rodents, birds, or vermin or any
kind.~~

~~(20) Processor facilities shall produce no products other than useable medical marihuana intended
for human consumption.~~

~~(21) All medical marihuana processors shall be certified as accredited under a recognized food
safety system such as SQF, ISO 22000, BRC, or the FDA's FSMA (Food Safety Modernization
Act) rules or demonstrate that they are actively pursuing said certification at the time of the
licensing and obtain said certification within 18 months of operation.~~

~~(22) The processor shall pay for and complete an annual audit using an accredited third party
auditor recognized under whatever food safety system the processor is accredited under. A
copy of the audit report shall be provided to the City by the auditor within ten days of the audit
completion. In the event there are deficiencies identified by the auditor, the processor shall
submit to the City a correction action plan to address the deficiencies. All deficiencies shall be
addressed within 30 days of submittal of the initial deficiency report.~~

~~(b) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the
facility as a medical marihuana processor facility and/or medical marihuana secure transporter
facility shall be prohibited.~~

(Ord. No. 1217, § 1, 9-7-17)

1005 1300.1310. - Location, buffering, dispersion, and zoning requirements for ~~Medical~~ ~~Marihuana~~
 1006 ~~Provisioning~~ ~~Centers AND MARIHUANA RETAILERS.~~

1007 (a) ~~Except in accordance with Section 1300.18, for buffering and dispersion purposes, No~~ ~~Medical~~
 1008 ~~Marihuana~~ ~~Provisioning~~ ~~Center OR MARIHUANA RETAILER shall be located within:~~

1009 (1) One thousand feet, of an operational school, including pre-kindergarten that is located within a
 1010 school; or

1011 (2) Five hundred feet, of the following buffered uses: public PARKS ~~playground equipment located~~
 1012 ~~in a park~~; a commercial child care organization (non-home occupation) that is required to be
 1013 licensed or registered with the Michigan Department of Health and Human Services, or its
 1014 successor agency; a church; a facility at which substance USE DISORDER ~~abuse~~ prevention
 1015 services or substance USE DISORDER ~~abuse~~ treatment and rehabilitation services and those
 1016 terms are defined in THE MENTAL HEALTH CODE, PA 258 OF 1974, MCL 330.1001, ET.
 1017 SEQ. ~~Part 61 or PA 368 of 1978, MCL 333.6101 et seq., are offered~~; or another ~~Medical~~
 1018 ~~Marihuana~~ ~~Provisioning~~ ~~Center OR MARIHUANA RETAILER.~~

1019 (b) ~~Medical~~ ~~Marihuana~~ ~~Provisioning~~ ~~Centers AND MARIHUANA RETAILERS shall be limited to F~~
 1020 ~~and F1-Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial as such districts are~~
 1021 ~~described and designated as provided in the Zoning Code provisions of the this Code.~~

1022 (c) No ~~Medical~~ ~~Marihuana~~ ~~Provisioning~~ ~~Center OR MARIHUANA RETAILER shall be located~~
 1023 ~~within another business except as permitted by the MARIJUANA REGULATORY AGENCY~~ ~~Medical~~
 1024 ~~Marihuana Licensing Board regulations.~~

1025 (d) For the purpose of calculating the buffering and dispersion requirements of this Section ~~1300.13~~,
 1026 the distance shall be measured along the center line of the street or streets of address between two
 1027 fixed points on the center line determined by projecting straight lines, at right angles to the center
 1028 line, from the part of the buffered use nearest to the contemplated location of the MARIHUANA
 1029 OPERATION ~~medical marihuana establishment~~ and from the part of the contemplated location
 1030 nearest to the buffered use. The distances from the MARIHUANA OPERATION ~~medical marihuana~~

1031 ~~establishment~~ to the point on the centerline and from the buffered use to the point on the centerline
 1032 shall be included in the calculation. For MEDICAL MARIHUANA PROVISIONING CENTERS AND
 1033 MARIHUANA RETAILERS ~~provisioning centers~~ located within a commercial strip mall or retail
 1034 center, the measurement shall be from the property line of the MEDICAL MARIHUANA
 1035 PROVISIONING CENTER AND MARIHUANA RETAILER ~~provisioning center~~ to the property line of
 1036 A BUFFERED USE. ~~another provisioning center.~~

1037 ~~(e) Except as otherwise permissible under the City Charter at Section 8-501, no person shall allow the~~
 1038 ~~consumption of marihuana or marihuana infused products on licensed premises.~~

1039 (fe) No MARIHUANA OPERATION ~~medical marihuana establishment~~ shall be located in an unzoned
 1040 area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

1041 (Ord. No. 1217, § 1, 9-7-17)

1042 1300.1411. - Location of ~~medical mMarihuana gGrowerS facilities, medical mMarihuana sSafety~~
 1043 ~~eCompliance fFacilities, medical mMarihuana pProcessorS facilities, and medical mMarihuana sSecure~~
 1044 ~~tTransporters, MARIHUANA MICROBUSINESSES, AND DESIGNATED CONSUMPTION ESTABLISHMENT.~~

1045 (a) All ~~medical mMarihuana gGrowerS facilities~~ AND MARIHUANA MICROBUSINESSES shall be
 1046 ~~subject to subsection 1300.13(e) and~~ limited to H-Light Industrial and I-Heavy Industrial zoning
 1047 districts as identified in this Code.

1048 (b) All ~~medical mMarihuana sSafety eCompliance fFacilities, medical mMarihuana pProcessorS~~
 1049 ~~facilities, and medical mMarihuana sSecure tTransporterS facilities~~ shall be ~~subject to Section~~
 1050 ~~1300.13(e) and shall be~~ limited to the H-Light Industrial, I-Heavy Industrial, or G2-Wholesale zoning
 1051 districts as identified in this Code.

1052 (c) ALL DESIGNATED CONSUMPTION ESTABLISHMENTS SHALL BE LIMITED TO F AND F-1 COMMERCIAL,
 1053 G2-WHOLESALE, H-LIGHT INDUSTRIAL, AND I-HEAVY INDUSTRIAL ZONING DISTRICTS AS IDENTIFIED
 1054 IN THIS CODE.

(ed) No MARIHUANA OPERATION ~~medical marihuana establishment~~ shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

~~(d) Except as otherwise permissible under the City Charter at Section 8-501, no person shall allow the consumption of marihuana or marihuana infused products on licensed premises.~~

(Ord. No. 1217, § 1, 9-7-17)

1300.1512. – APPLICATION DENIAL OR License revocation; bases for revocation; appeal of license denial OR REVOCATION.

(a) Any license issued under this eChapter may be revoked by the City Clerk after an administrative hearing if the City Clerk finds and determines that grounds for revocation exist. Any grounds for revocation must be provided to the licensee at least ten days prior to the date of the hearing by first class mail to the address given on the license application or any address provided to the City Clerk in writing subsequent to the filing of an application.

(b) A license applied for or issued under this eChapter may be denied or revoked, INCLUDING BUT NOT LIMITED TO ANY of the following bases:

(1) A material violation of any provision of this eChapter, including, but not limited to, the failure to provide the information required by THIS ORDINANCE, OR, A MATERIAL VIOLATION OF THE MMFLA, MRTMA, OR THE CORRESPONDING RULES PROMULGATED BY THE MRA ~~Subsection 1300.16(a); or~~

(2) Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license; or

(3) Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this eChapter requires a license; or

- (4) Failure to obtain or maintain a license or renewed license from the City Clerk pursuant to this eChapter; or
 - (5) Failure of the licensee or the medical marihuana establishment to obtain or maintain a license or approval from the State pursuant to the MMFLA OR MRTMA; or
 - (6) The medical marihuana establishment is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare.
 - (7) CULTIVATION, PROCESSING, SALE, OR DISPLAY OF MARIHUANA OR MARIHUANA ACCESSORIES THAT ARE VISIBLE FROM A PUBLIC PLACE.
- (c) Appeal of denial of an application or revocation of a license: the City Clerk shall notify an applicant of the reason(s) for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant with the opportunity to REQUEST RECONSIDERATION ~~be heard~~. AN APPEAL OF DENIAL OF APPLICATION FOR LICENSURE SHALL BE A PAPER HEARING. Any applicant aggrieved by the denial or revocation of a license or adverse decision under this eChapter may appeal to the City Clerk. ~~who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Clerk~~. Such appeal shall be taken by filing with the City Clerk, within 7 ~~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 Clerk shall review the APPEAL ~~report and recommendation of the hearing officer~~ and make a decision on the matter. ~~The Clerk's decision may be further appealed to the commission if applied for in writing to the commission no later than 30 days from the Clerk's decision. The review on appeal of a denial or revocation or adverse action shall be by the commission pursuant to Section 1300.03. Any decision by the CITY CLERK commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional experts to assist with the proceedings under this Section 1300.1505.~~

(Ord. No. 1217, § 1, 9-7-17)

1104 1300.1613. - Penalties; temporary suspension of a license.

1105 (a) The City may require an applicant or licensee of a MARIHUANA OPERATION ~~medical marijuana~~
 1106 ~~facility~~ to produce documents, records, or any other material pertinent to the investigation of an
 1107 application or alleged violation of this eChapter. Failure to provide the required material may be
 1108 grounds for application denial or license revocation.

1109 (b) Any person in violation of any provision of this eChapter, including the operation of a MARIHUANA
 1110 OPERATION ~~medical marijuana establishment~~ without a license issued pursuant to this eChapter,
 1111 shall be subject to a civil fine OF \$500.00, PLUS COSTS, PER DAY OF VIOLATION. THE
 1112 DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING OR HIS OR HER DESIGNEE IS
 1113 HEREBY DESIGNATED AS THE AUTHORIZED CITY OFFICIAL TO ISSUE MUNICIPAL CIVIL
 1114 INFRACTION CITATIONS DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT OR PAY A
 1115 FINE. ~~costs. Increased civil fines may be imposed for a repeat violation. As used in this section~~
 1116 ~~"repeat violation" shall mean a second or any subsequent infraction of the same requirement or~~
 1117 ~~provision committed by a person or establishment within any 12-month period. Unless otherwise~~
 1118 ~~specifically provided in this chapter, the penalty schedule is as follows:~~

1119 (1) ~~\$750.00, plus costs, for the first violation.~~

1120 (2) ~~\$1,000.00, plus costs, for a repeat violation.~~

1121 (3) ~~\$1,000.00, plus costs, per day, plus costs, for any violation that continues for more than one~~
 1122 ~~day.~~

1123 (c) All fines imposed under this eChapter shall be paid within 45 days after the effective date of the
 1124 order imposing the fine or as otherwise specified in the order.

1125 (d) The Clerk may temporarily suspend a ~~medical marijuana establishment~~ license without a prior
 1126 hearing if the ~~m~~Mayor finds that public safety or welfare requires emergency action affecting the
 1127 public health, safety, or welfare. The Clerk shall cause the temporary suspension by issuing a
 1128 suspension notice in connection with institution of proceedings for notice and a hearing.

(e) If the Clerk temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 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 m~~Marihuana gGrower facility, the hearing shall be held within seven 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 Clerk does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, or in the case of a MARIHUANA gGrower facility seven days, then the suspended license shall be automatically reinstated and the suspension vacated.

(g) The penalty provisions of this eChapter are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

(Ord. No. 1217, § 1, 9-7-17)

1300.14. – CONSUMPTION IN A PUBLIC PLACE.

CONSUMPTION OF MARIHUANA IN ANY PUBLIC PLACE WITHIN THE CITY OF LANSING IS PROHIBITED EXCEPT AS PROVIDED BY STATE LAW. ~~IN AREAS SPECIFICALLY DESIGNATED FOR MARIHUANA CONSUMPTION THAT ARE NOT ACCESSIBLE TO PERSONS UNDER 21 YEARS OF AGE AND HAVE BEEN AUTHORIZED THROUGH DIRECTIVE OR ORDER ADOPTED BY THE MAYOR.~~

1300.15. – DESIGNATED CONSUMPTION ESTABLISHMENTS

(a) ANY COMMERCIAL SPACE THAT LEGALLY PERMITS THE USE OF MARIHUANA SHALL DESIGNATE A CONSUMPTION AREA ACCESSIBLE ONLY BY PERSONS 21 YEARS OF AGE OR OLDER, AND, SHALL OBTAIN AND MAINTAIN A LICENSE FROM THE STATE AND CITY. AN APPLICATION FOR LICENSURE SHALL BE AWARDED UPON SUBMISSION OF A COMPLETE APPLICATION CONTAINING THE DOCUMENTATION REQUIRED IN SECTIONS 1300.04(B)(1), (2), (3), (6), (8), (9), (10), (11), (12), (16), (17), (20), AND (21).

(b) A DESIGNATED CONSUMPTION ESTABLISHMENT MUST COMPLY WITH ALL LAWS AND RULES PURSUANT TO THE MRTMA, INCLUDING BUT NOT LIMITED TO, A VENTILATION SYSTEM THAT DIRECTS AIR FROM THE MARIHUANA CONSUMPTION AREA TO THE OUTSIDE OF THE BUILDING THROUGH A FILTRATION SYSTEMS SUFFICIENT TO REMOVE VISIBLE SMOKE CONSISTENT WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES AND ADEQUATE TO ELIMINATE ODOR AT THE PROPERTY LINE. USE OF MARIHUANA AT A PRIVATE BUSINESS SHALL NOT VIOLATE CHAPTERS 622 (DRUGS) AND 664 (DISTURBING THE PEACE). THE SALE OF MARIHUANA IS LIMITED ONLY TO ESTABLISHMENTS LICENSED TO CONDUCT SALES OF MARIHUANA.

~~(c) AN INITIAL LICENSE APPLICATION FEE OF \$5,000.00 IS REQUIRED. IF AN APPLICATION IS SUBMITTED WITH ANOTHER LICENSE TYPE THE LICENSE APPLICATION FEE SHALL BE \$2,500.00.~~

~~(d) AN APPLICATION FOR RENEWAL SHALL INCLUDE ANY UPDATED INFORMATION REQUIRED IN SECTION 1300.04 AS WELL AS A RENEWAL FEE OF \$2,500.00. A FEE SET BY RESOLUTION OF COUNCIL.~~

~~1300.1716. - No vested rights.~~

A property owner lessor, license applicant, or licensee shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment of this chapter.

(Ord. No. 1217, § 1, 9-7-17)

~~1300.18. Zoning Board of Appeals.~~

~~(a) When applying for a license as a provisioning center, an applicant who does not meet the requirements of Sections 1300.13(a)(1) or (2) may seek a variance from those requirements by submitting with their application a written application to the Board of Zoning Appeals and paying a fee set by Council resolution. Upon receiving an application with an accompanying application for a~~

variance, the City Clerk shall determine whether the applicant has submitted a complete application meeting the requirements of this chapter, an appropriate nonrefundable license application fee, and an appropriate variance application fee. If the applicant has satisfied these requirements and the applicant has received written approvals required under this chapter, the City Clerk shall immediately forward the application to the Board of Zoning Appeals.

(1) The application must identify all of the reasons the applicant does not meet the requirements of Section 1300.13(a), including, if applicable, the name and address of any substance abuse treatment, prevention, or rehabilitation facility; church or other structure used for religious services; public park containing public playground equipment; or provisioning center that is within 500 feet of the applicant's location.

(2) Upon receipt of an application meeting the requirements of Subsection (a), the Board shall give notice to the occupants of any residential or commercial buildings within the buffered use distances set forth in Section 1300.13(a) of the applicant's location. If the occupant's name is not known, the term "occupant" may be used. The notices shall be delivered personally or by mail at the address given in the last assessment roll.

(3) The Board of Zoning Appeals shall either grant or deny the variance within a reasonable time. In determining whether to grant or deny the variance, the Board of Zoning Appeals shall consider all of the following:

- i. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location;
- ii. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood;
- iii. The distance between the applicant's location and any medical marihuana provisioning center that is within 500 feet of the applicant's location;
- iv. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marihuana within the City;

v. ~~The character of the structure and its surroundings; and~~

vi. ~~The impact of the variance on the character of the structure's surroundings and owners of
other properties in the vicinity.~~

~~(4) If the Board of Zoning Appeals approves the variance, the application and decision shall
immediately be submitted to the City Clerk for further processing under this chapter.~~

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these
provisions are repealed.

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

Section 4. The adoption of this ordinance shall not be construed to affect any applications
submitted or licenses for an approved location under any legislative provision prior to the effective date
of this ordinance. Further, locations of licenses and applications for licensure that are prior to
enactment of this ordinance are deemed to be pre-existing, non-conforming marihuana operations, and,
shall be eligible for the comparable recreational license at the same location of the pre-existing, non-
conforming marihuana operation.

Section 5. This ordinance shall take effect on the 30th day after enactment by City Council and
pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2028.

Approved as to form:

City Attorney

Dated: _____



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

March 18, 2019

Bruce Kruger
7721 Williams Rd.
Lansing, MI 48911

RE: 3801 Walton

Dear Mr. Kruger,

The purpose of this letter is to summarize the remedial steps you have agreed to take with respect to 3801 Walton, as committed to at our March 6, 2019 meeting held in the City Attorney conference room. You agreed that the following will occur by March 31, 2019:

- A walk-through of the premises with Councilmember Garza and Chief Building Inspector Steve Swan including an inspection by Mr. Swan
- Provide LPD Officer Jillian Colby a tenant list and update it every six months.
- Continue the eviction process for the two tenants you mentioned during the meeting.
- Install functioning lights on all four corners of the building and arrange for the back light to be repaired.
- Connect three operational surveillance cameras and work with LPD Officer Jillian Colby on placement and to get them registered with SCRAM.
- Arrange for pest control on a monthly basis and ensure access to tenant apartments.
- Continue contact with LPD Officer Jillian Colby.
- Update and file with LPD all No Trespass letters.
- LPD Officer Jillian Colby will arrange for a risk assessment and you will cooperate with her.

Thank you for your cooperation. Please indicate acceptance and agreement below and return in the enclosed self-addressed stamped envelope.

Sincerely,

James D. Smiertka
City Attorney

Accepted and agreed:

Bruce Kruger

RECEIVED APR 04 2019

ATT. JAMES SMIENTKA

#1 WALK Thru STEED SWAN
just cosmetic repairs smoke detectors
smoke Detector Done Immediately

#2 LEADS to Jillian

#3 1 Eviction Done
1 Done April 4th

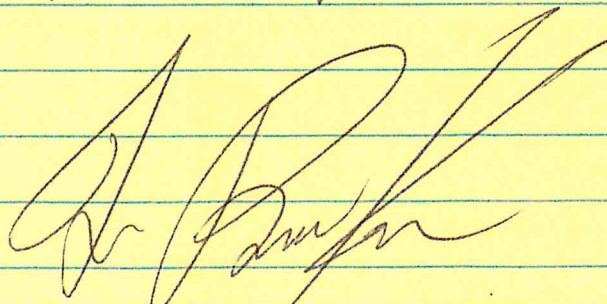
#4 5 CAMERAS Installed
for total surveillance

#5 ORKIN still goes every month
& told all tenants to let them in.

#6 updated all no trespass with LPD

#7 called Haeefines to KASTA OSBORN
to arrange risk assessments But
no call back

THESE HAVE ALL BEEN DONE
But #7



RECEIVED JUL 22 2019

Calls for Service - 3801 Walton Drive, Lansing, MI

Call_Number	Description	Day	Date
18-0141174	UNWANT- unwanted guest	Thursday	7/26/2018
18-0158074	SUSPER- suspicious person	Saturday	8/18/2018
18-0158204	DOMES- domestic assault	Sunday	8/19/2018
18-0160250	ASSAULT- assault complaint	Wednesday	8/22/2018
18-0161549	SUSPER- suspicious person	Thursday	8/23/2018
18-0164701	WELFAR- check welfare	Monday	8/27/2018
18-0193227	SHOTS- shots fired	Wednesday	10/3/2018
18-0214214	DELMSG- deliver message	Wednesday	10/31/2018
18-0217262	NOISE- noise complaint	Sunday	11/4/2018
18-0217266	NOISE- noise complaint	Sunday	11/4/2018
18-0229136	UNWANT- unwanted guest	Wednesday	11/21/2018
18-0234092	NOISE- noise complaint	Thursday	11/29/2018
18-0242993	UNWANT- unwanted guest	Tuesday	12/11/2018
18-0247065	WEAPON- incident inv a weapon	Monday	12/17/2018
18-0254048	WELFAR- check welfare	Saturday	12/29/2018
19-0000016	SUSSIT- suspicious situation	Tuesday	1/1/2019
19-0002917	FIGHT- fight	Saturday	1/5/2019
19-0004857	BURG- home invasion/B&E	Tuesday	1/8/2019
19-0005218	WELFAR- check welfare	Tuesday	1/8/2019
19-0006734	WELFAR- check welfare	Friday	1/11/2019
19-0008002	WEAPON- incident inv a weapon	Saturday	1/12/2019
19-0009046	ASSAULT- assault complaint	Monday	1/14/2019
19-0025648	UNWANT- unwanted guest	Friday	2/8/2019
19-0026384	TBLSUB- trblsom subj no asslt	Saturday	2/9/2019
19-0030100	TRESP- trespassing complaint	Friday	2/15/2019
19-0030335	WELFAR- check welfare	Friday	2/15/2019
19-0033426	WELFAR- check welfare	Wednesday	2/20/2019
19-0035192	NOISE- noise complaint	Friday	2/22/2019
19-0035999	FOLLOW- followup	Saturday	2/23/2019
19-0057475	TRESP- trespassing complaint	Wednesday	3/27/2019
19-0063667	TBLSUB- trblsom subj no asslt	Friday	4/5/2019
19-0075705	WELFAR- check welfare	Monday	4/22/2019
19-0078187	NEIGHBOR- neighbor complaint	Thursday	4/25/2019
19-0104180	TBLSUB- trblsom subj no asslt	Friday	5/31/2019
19-0107954	TRESP- trespassing complaint	Thursday	6/6/2019
19-0117122	TRESP- trespassing complaint	Wednesday	6/19/2019
19-0124748	FIGHT- fight	Sunday	6/30/2019

Date Range Selected: July 21, 2018 through July 20, 2019

Submitted @ mts

Bowen, Mary

From: Swan, Steve
Sent: Monday, July 22, 2019 1:03 PM
To: Bowen, Mary
Subject: RE: Inspection Records for 3801 Walton

These are the items cited:

Lack of smoke detectors throughout units. Owner was directed to install and verify working smoke detectors throughout the building and units immediately.

Return handrails that have been installed.

The new exterior doors installed require levered hardware

The new exterior doors installed shall not swing over step. (needs to change the door swing)

Seal penetrations to mechanical room(old dryer vent)

Repair all nonworking light fixtures in common areas

Draft stop penetrations in units (to access plumbing)

Minor repairs such as loose plumbing fixtures, loose bath vent covers, broken damaged doors and door Jambs, damaged or broken windows.

Investigation should be made at areas in ceiling that are or have appeared to become detached for their structural supports (falling/sagging drywall)

Concerns of electrical outlet and fixture shall be address by an electrician (owner was informed at time of inspection of unit and locations)

I expect to be at the meeting today at 4:30.

Let me know if you have any questions.

Steve

From: Bowen, Mary <Mary.Bowen@lansingmi.gov>
Sent: Monday, July 22, 2019 11:04 AM
To: Swan, Steve <Steve.Swan@lansingmi.gov>
Subject: RE: Inspection Records for 3801 Walton

Hi Steve,

Joe is not back in the office yet and I don't see it in the file. Can you tell me what the correction notice is and what he failed to comply with?

Thanks,

Mary

Mary A. Bowen
Assistant City Attorney

City of Lansing - Office of the City Attorney

124 W. Michigan Ave. | Lansing, MI 48933

O: 517-483-4327 | E: Mary.Bowen@lansingmi.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)



Andy Schor, Mayor

PRIVILEGED AND CONFIDENTIAL: This electronic message, together with all of its contents, contains information from the Office of the City Attorney. This information may be privileged, confidential, or otherwise protected from disclosure. The information is intended for the addressee(s) only and any unauthorized use is prohibited. Do not disclose, copy, distribute, or otherwise use this message or its contents if you are not the intended addressee(s). If you have received this message in error, notify the Office of the City Attorney immediately at 517-483-4320 or mary.bowen@lansingmi.gov.

From: Swan, Steve <Steve.Swan@lansingmi.gov>

Sent: Monday, July 22, 2019 10:29 AM

To: Bowen, Mary <Mary.Bowen@lansingmi.gov>

Subject: RE: Inspection Records for 3801 Walton

Mary,

The last action that has not been complied with is a correction notice issued by me on 3/14/19. Joe should have a copy of the correction notice.

The last action taken by Code Compliance was on 7/17/18 that was complied with on 11/2/18.

Please let me know if you have any other questions.

Steve

From: Bowen, Mary <Mary.Bowen@lansingmi.gov>

Sent: Friday, July 19, 2019 4:03 PM

To: Swan, Steve <Steve.Swan@lansingmi.gov>

Subject: Inspection Records for 3801 Walton

Hi Steve,

Thank you for speaking with me on this. The Committee on Public Safety has scheduled a special meeting to discuss 3801 Walton. Can you tell me the date of your most recent inspection and the results of your inspection? Additionally, can you provide me with any recent Building Safety and Code inspections and/or violations?

INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An ordinance of the City of Lansing, Michigan, for the purpose of an amendment to Chapter 404 of the Lansing Codified Ordinances by creating Section 404.13 to provide for creation of overnight street parking zones in primarily residential districts; to provide for hours of use for overnight street parking zones; to provide for application, permitting, and payment rates for overnight street parking zones.

The Ordinance is referred to the Committee on Public Safety

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 14, 2019 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of considering an amendment to Chapter 404 of the Lansing Codified Ordinances by creating Section 404.13 to provide for creation of overnight street parking zones in primarily residential districts; to provide for hours of use for overnight street parking zones; to provide for application, permitting, and payment rates for overnight street parking zones.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 404 OF THE LANSING CODIFIED ORDINANCES BY CREATING SECTION 404.13 TO PROVIDE FOR CREATION OF OVERNIGHT STREET PARKING ZONES IN PRIMARILY RESIDENTIAL DISTRICTS; TO PROVIDE FOR HOURS OF USE FOR OVERNIGHT STREET PARKING ZONES; TO PROVIDE FOR APPLICATION, PERMITTING, AND PAYMENT RATES FOR OVERNIGHT STREET PARKING ZONES.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 404 of the Lansing Code of Ordinances of the City of Lansing is hereby amended to add Section 404.13 as follows:

404.13 – PERMIT FOR OVERNIGHT STREET PARKING IN PRIMARILY RESIDENTIAL DISTRICTS

OVERNIGHT PERMIT PARKING ZONE REGULATIONS AND RESTRICTIONS, INCLUDING LOCATION, TIME PERIODS, AND OFFICIAL SIGNAGE, SHALL BE ESTABLISHED BY ORDINANCE AND CONFIRMED BY ISSUANCE OF TRAFFIC CONTROL ORDERS IN COMPLIANCE WITH UTC R28.1153 (RULE 153). THE CITY ISSUANCE OF PERMITS FOR OVERNIGHT PARKING ON STREETS SHALL BE IN ACCORDANCE WITH THIS SECTION. A PERSON ISSUED A PERMIT UNDER THIS SECTION SHALL COMPLY WITH ALL THE TERMS, CONDITIONS AND RESTRICTIONS OF THE PERMIT AS PROVIDED IN THIS SECTION.

(A) ADMINISTRATION

1 PERMITTING FOR THE OVERNIGHT STREET PARKING PROGRAM SHALL BE UNDER
2 THE SUPERVISION AND ADMINISTRATIVE CONTROL OF THE OFFICE OF THE
3 PARKING MANAGER, INCLUDING PREPARATION OF FORMS, RECEIPT OF
4 APPLICATIONS, ISSUANCE OF PERMITS, AND COLLECTION OF FEES. THE PARKING
5 MANAGER SHALL WORK WITH THE PUBLIC SERVICE DEPARTMENT TO
6 FACILITATE TEMPORARY SUSPENSION OF PERMITS AND / OR ACCOMMODATE
7 PARKING DURING SNOW REMOVAL, EMERGENCY OR CONSTRUCTION PURPOSES.

8 (B) APPLICATION

9 A PERSON REQUESTING AN OVERNIGHT STREET PARKING PERMIT FOR A MOTOR
10 VEHICLE SHALL FIRST FULLY AND ACCURATELY PROVIDE A COMPLETED CITY
11 APPLICATION FORM AND, UPON REQUEST, SUPPLY THE CITY WITH SUPPORTING
12 SUPPLEMENTAL DOCUMENTATION. THE APPLICATION FORM SHALL REQUIRE AT
13 A MINIMUM THE FOLLOWING INFORMATION:

- 14 1. THE NAME OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE
15 TO BE PERMITTED;
- 16 2. THE PRIMARY RESIDENTIAL ADDRESS OF THE OWNER OR OPERATOR
17 OF THE MOTOR VEHICLE;
- 18 3. THE EMAIL ADDRESS AND CELL PHONE NUMBER AND/OR LAND LINE
19 PHONE NUMBER OF THE OWNER OR OPERATOR OF THE MOTOR
20 VEHICLE TO BE USED FOR CONTACT IN CASE OF TEMPORARY
21 SUSPENSION FOR SNOW REMOVAL, EMERGENCY OR CONSTRUCTION
22 PURPOSES;

1 4. THE MOTOR VEHICLE'S MAKE, MODEL, VEHICLE IDENTIFICATION
2 NUMBER, AND LICENSE PLATE REGISTRATION NUMBER;

3 5. AN EXPLANATION BY THE APPLICANT OF THE NEED TO PARK ON A
4 RESIDENTIAL STREET WITHIN THE ZONE BETWEEN THE HOURS OF 2
5 A.M. AND 5 A.M.

6 SUPPORTING SUPPLEMENTAL DOCUMENTATION INCLUDES, BUT IS NOT LIMITED
7 TO:

8 1. AN EXECUTED LEASE OR OTHER REASONABLE PROOF EVIDENCING
9 THAT THE PERMIT APPLICANT'S PRIMARY RESIDENCE DWELLING
10 UNIT OR ADDRESS IS WITHIN THE ZONE FOR WHICH THE PERMIT IS
11 SOUGHT.

12 2. THE CURRENT, VALID REGISTRATION FOR THE MOTOR VEHICLE FOR
13 WHICH THE PERMIT IS BEING APPLIED;

14 a. IF THE APPLICANT FOR AN OVERNIGHT STREET PARKING
15 PERMIT IS THE OWNER OF THE VEHICLE SOUGHT TO BE
16 REGISTERED AND HIS/HER PERMANENT RESIDENCE IS AT THE
17 ADDRESS FOR WHICH THE PERMIT IS SOUGHT, THEN SAID
18 VEHICLE SHALL BE REGISTERED AT THE PERMANENT
19 ADDRESS AND SHALL HAVE VALID STATE OF MICHIGAN
20 MOTOR VEHICLE PLATES; OR

21 b. IF THE APPLICANT FOR AN OVERNIGHT STREET PARKING
22 PERMIT HAS HIS/HER PERMANENT RESIDENCE AT THE
23 ADDRESS FOR WHICH THE PERMIT IS SOUGHT BUT THE

1 VEHICLE UNDER HIS/HER CONTROL INDICATES ANOTHER
2 ADDRESS OF RESIDENCE FOR THE OWNER OF SAID VEHICLE,
3 THE APPLICANT SHALL BE REQUIRED TO CERTIFY THAT SAID
4 VEHICLE IS KEPT BY THE APPLICANT AND ONLY AT THE
5 ADDRESS FOR WHICH THE PERMIT IS REQUESTED AND THAT IT
6 WILL NOT BE KEPT AT ANY OTHER LOCATION FOR THE
7 DURATION OF THE PERMIT'S VALIDITY.

8 THE PARKING MANAGER IS NOT REQUIRED TO GRANT A PERMIT TO ANY
9 APPLICANT.

10 (C) ANNUAL PERMIT

11 THE ISSUANCE OF AN ANNUAL OVERNIGHT STREET PARKING PERMIT IS SUBJECT
12 TO ALL THE FOLLOWING REQUIREMENTS:

- 13 1. THE ANNUAL PERMIT IS VALID ONLY FOR THE MOTOR VEHICLE FOR
14 WHICH IT IS ISSUED;
- 15 2. THE ANNUAL PERMIT SHALL DISPLAY THE MOTOR VEHICLE'S
16 LICENSE PLATE NUMBER AND EXPIRATION DATE, AND THE ZONE
17 WHERE THE PERMIT IS VALID;
- 18 3. THE ANNUAL PERMIT SHALL BE A STICKER THAT IS NOT EASILY
19 REMOVED, AND MUST BE AFFIXED IN A VISIBLE PLACE ON THE
20 FRONT DRIVER SIDE WINDSHIELD OF THE PERMITTED MOTOR
21 VEHICLE;

- 1 4. THE ANNUAL PERMIT IS VALID ONLY WHEN VISIBLY AND PROPERLY
- 2 DISPLAYED ON THE VEHICLE, WHEN PARKED IN THE DESIGNATED
- 3 ZONE WHERE THE RESIDENT LIVES;
- 4 5. THE ANNUAL FEE FOR ANY OVERNIGHT STREET PARKING ZONE
- 5 PERMITS SHALL BE SET BY RESOLUTION OF COUNCIL, AND SHALL BE
- 6 FOR THE PERIOD OF JULY 1, UNTIL JUNE 30 OF THE NEXT YEAR;
- 7 6. AN ANNUAL PERMIT IS ONLY VALID FOR AS LONG AS THE OWNER OR
- 8 OPERATOR OF THE PERMITTED MOTOR VEHICLE CONTINUES TO
- 9 HAVE AS HIS OR HER PRIMARY RESIDENCE THE ADDRESS THAT IS
- 10 WITHIN THE DESIGNATED OVERNIGHT STREET PERMIT PARKING
- 11 ZONE;
- 12 7. THE ANNUAL FEE SHALL BE PAID AT THE BEGINNING OF THE PERMIT
- 13 YEAR OR WHEN THE APPLICATION IS GRANTED, EXCEPT THAT A
- 14 PAYMENT PLAN MAY BE SET UP AT THE DISCRETION OF THE
- 15 PARKING MANAGER;
- 16 8. A REPLACEMENT ANNUAL PERMIT MAY BE ISSUED ONLY IF ALL OR
- 17 PART OF THE ORIGINAL PERMIT IS PRODUCED AT THE TIME THAT A
- 18 REPLACEMENT PERMIT IS APPLIED FOR, OR IF PROOF OF THEFT OF
- 19 THE VEHICLE IS DEMONSTRATED TO THE SATISFACTION OF THE
- 20 PARKING MANAGER;
- 21 9. THE FEE FOR ANY REPLACEMENT ANNUAL PERMIT SHALL BE SET BY
- 22 RESOLUTION OF CITY COUNCIL.

23 (D) TEMPORARY PERMIT

1 TEMPORARY OVERNIGHT STREET PARKING PERMITS MAY BE ISSUED BY THE
2 OFFICE OF THE PARKING MANAGER IF IT IS DETERMINED THAT CAPACITY EXISTS
3 WITHIN THE APPLICANT'S ZONE. TEMPORARY PERMITS FOR PERSONS WHO DO
4 NOT LIVE IN THE APPLICANT'S ZONE, AND THEIR VEHICLES, MUST BE APPLIED
5 FOR BY AN APPLICANT WITHIN THE ZONE WHO IS WILLING TO SPONSOR THE
6 PERSON WHO WILL USE THE TEMPORARY PERMIT. THE ISSUANCE OF A
7 TEMPORARY OVERNIGHT STREET PARKING PERMIT IS SUBJECT TO ALL THE
8 FOLLOWING REQUIREMENTS:

- 9 1. THE TEMPORARY PERMIT IS VALID ONLY FOR A PERIOD OF 72 HOURS;
- 10 2. THE TEMPORARY PERMIT SHALL DISPLAY THE ADDRESS OF THE
11 APPLICANT AS WELL AS THE START DATE AND END DATE OF THE 72
12 HOUR PERIOD;
- 13 3. THE TEMPORARY PERMIT SHALL BE A HANGTAG WITH ALL
14 RELEVANT INFORMATION FILLED IN PRIOR TO ITS ISSUANCE AND
15 MUST BE HUNG FROM THE REAR VIEW MIRROR OF THE VEHICLE;
- 16 4. THE TEMPORARY PERMIT IS VALID ONLY WHEN VISIBLY AND
17 PROPERLY DISPLAYED ON THE VEHICLE, WHEN PARKED IN THE
18 DESIGNATED ZONE WHERE THE APPLICANT LIVES;
- 19 5. THE FEE FOR ANY TEMPORARY OVERNIGHT STREET PARKING ZONE
20 PERMITS SHALL BE SET BY RESOLUTION OF COUNCIL, AND MUST BE
21 PAID PRIOR TO ISSUANCE OF THE TEMPORARY PERMIT.

22 (E) CONDITIONS ON THE PERMIT AND PERMIT HOLDER

1 THE USE AND VALIDITY OF AN OVERNIGHT STREET PARKING ZONE PERMIT IS
2 SUBJECT TO ALL THE FOLLOWING CONDITIONS:

- 3 1. A PERMIT MAY BE USED ONLY IN THE OVERNIGHT STREET PARKING
4 PERMIT ZONE FOR WHICH IT HAS BEEN ISSUED;
- 5 2. A PERMIT MAY BE USED ONLY BY THE PERMIT HOLDER TO WHOM IT
6 IS ISSUED;
- 7 3. A PERMIT SHALL NOT BE ISSUED FOR RECREATIONAL VEHICLES,
8 MOBILE HOMES, TRAILERS, BOATS, OR MOTOR VEHICLES WITH MORE
9 THAN TWO AXLES;
- 10 4. NO MORE THAN ONE ANNUAL PERMIT AND ONE TEMPORARY PERMIT
11 MAY BE GRANTED PER RESIDENTIAL PARCEL WITHIN A PERMIT ZONE
12 AT ANY GIVEN TIME; NO MORE THAN 4 TEMPORARY PERMITS MAY
13 BE GRANTED PER CALENDAR YEAR;
- 14 5. A PERMIT SHALL NOT GUARANTEE OR RESERVE TO THE HOLDER A
15 PARKING SPACE IN THE PERMIT ZONE;
- 16 6. A PERMIT SHALL NOT EXEMPT THE HOLDER FROM THE OBSERVANCE
17 OF ANY PARKING OR TRAFFIC REGULATION OR ORDINANCE, OTHER
18 THAN THE SPECIFIED OVERNIGHT PARKING RESTRICTION;
- 19 7. THE CITY MAY TEMPORARILY SUSPEND A PERMIT FOR SNOW
20 REMOVAL, EMERGENCY OR CONSTRUCTION PURPOSES;
- 21 8. A PERMIT SHALL BE COMPLETELY REMOVED FROM A VEHICLE UPON
22 ITS EXPIRATION OR TERMINATION;

1 9. A PERMIT HOLDER MAY NOT TRANSFER A PERMIT TO ANY OTHER
2 PERSON OR VEHICLE;

3 10. IN THE EVENT A VALID ANNUAL PERMIT HOLDER SELLS, TRANSFERS,
4 OR OTHERWISE DISPOSES OF THE MOTOR VEHICLE FOR WHICH A
5 PERMIT IS GRANTED, THE PERMIT SHALL TERMINATE
6 AUTOMATICALLY;

7 11. AN ANNUAL PERMIT HOLDER WHO DESIRES TO TRANSFER THEIR
8 VALID PERMIT TO A DIFFERENT VEHICLE MUST MAKE A
9 SUPPLEMENTAL APPLICATION TO THE PARKING MANAGER
10 INDICATING THE CHANGE IN VEHICLE, AND MUST TURN IN ALL OR A
11 PART OF THE ORIGINAL PERMIT AS PROOF THAT IT HAS BEEN
12 REMOVED FROM THE MOTOR VEHICLE FOR WHICH THE PERMIT WAS
13 PREVIOUSLY GRANTED;

14 12. IF A PERMIT HOLDER COMMITS THREE PARKING VIOLATIONS IN THE
15 OVERNIGHT PARKING ZONE FOR WHICH THE PERMIT HAS BEEN
16 ISSUED, THE PERMIT, UPON REVIEW, MAY BE REVOKED BY THE
17 PARKING MANAGER;

18 13. IF A PERMIT HOLDER VIOLATES ANY OF THE CONDITIONS IN THIS
19 SECTION, THE PERMIT SHALL AUTOMATICALLY BECOME VOID AND
20 BE TERMINATED AND REVOKED WITHOUT NOTICE.

21 (F) OVERNIGHT STREET PARKING ZONE 1

22 1. [DESCRIBE THE STREETS IN THE ZONE]

23 (G) OVERNIGHT STREET PARKING ZONE 2

1 1. [DESCRIBE THE STREETS IN THE ZONE]

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 null and
4 void and of no effect.

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

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

CODE COMPLIANCE ACTIVITY FEES

(Effective July 1, 2016)

RENTAL HOUSING REGISTRATION

New Registration	\$400.00
Change of Owner	\$200.00

RENTAL HOUSING INSPECTIONS

Base fee per building is **\$215.00** for 1 & 2 family structures; **\$150.00** for multiple family structures, townhouses or condos plus:

Single Family Dwelling	\$25.00 per unit
Duplex	\$25.00 per unit
Townhouses or Condos	\$25.00 per unit
Multiple Dwellings (per unit cost)	\$18.00 per unit
No Show Fee	\$65.00
Appointments made by Certified Mail	\$35.00
Rental Re-Inspections (2 nd , 3 rd , & 4 th re-inspection)	\$50.00, \$100.00, \$150.00

ADMINISTRATIVE SERVICES FEES

LANDLORD FAILURE TO COMPLY NOTICE (follow up)	\$100.00
ADMINISTRATIVE FEE-FAILURE TO REGISTER RENTAL PROPETY	\$150.00
LATE FEE (30 DAYS) RENTAL HOUSING INSPECTION-SINGLE FAMILY	\$120.00
LATE FEE (60 DAYS) RENTAL HOUSING INSPECTION-SINGLE FAMILY	\$120.00
LATE FEE (30 DAYS) RENTAL HOUSING INSPECTION –MULTI-FAMILY	\$75.00
LATE FEE (60 DAY) RENTAL HOUSING INSPECTION-MULTI-FAMILY	\$150.00

Second Notice Fees

Second and subsequent premise violations (trash, grass and disabled, abandoned motor vehicles) in the same calendar year are subject to an administrative fee of	\$75.00
--	---------

Red Tag Monitoring fees

Properties that have been red tagged and required monitoring by the City of Lansing are subjected to a monthly administrative fee of	\$150.00
--	----------

Trash and Grass Abatement Fees

This service fee does not include cleanup and mowing costs charged by the contractor	\$265.00
--	----------

Emergency Board-up Fees

A residential structure that is found to be open and accessible (not capable of being secured) is considered to be an attractive nuisance and shall be boarded. This service fee does not costs assessed by the contractor for time and materials.	\$265.00
--	----------

<u>Demolition Fees</u>	\$4,000.00
-------------------------------	------------

Properties entered into the "Make Safe or Demolish" process that are eventually demolished by the City of Lansing are subject to an administrative fee. **This administrative fee is broken down in ½ with the owner being billed \$2,000.00 after it leaves the Demolition Board and the following \$2,000.00 if an when the city demolishes the property.** These figures do not include demolition and removal costs charged by the contractor.

[Menu](#)[Set
Weather](#)[Michigan](#)[Subscribe](#)[Sign In](#)[Search](#)

Community asked to weigh in on Grand Rapids' crime prevention ordinance

Posted Aug 4, 2019



Family Pantry, 704 Stocking Ave. NW in Grand Rapids, has undergone building upgrades over the last year. The business was an example given by city staff on what standards would look like under a proposed crime prevention ordinance. (Courtesy photo | City of Grand Rapids)

38

100
shares

By [Justin P. Hicks](#) | jhicks3@mlive.com

GRAND RAPIDS, MI -- Grand Rapids thinks it can reduce crime by implementing business design standards that use things like natural surveillance to deter people from committing criminal behaviors.

[Menu](#)[Set
Weather](#)[Michigan](#)[Subscribe](#)[Sign In](#)[Search](#)

said the store saw a more than 20-percent reduction in calls for police service between the 11 months before and 11 months after renovations.

“Just a simple changing of the facade and how they’re managing the property made that much of a difference,” said Suzanne Schultz, the city’s planning director.

Key elements of attempting to prevent crime through environmental design include natural access management (physical guidance of people and vehicles); natural surveillance (maximize visibility and surveillance); territorial reinforcement (positive sense of ownership); and physical maintenance and management (general upkeep).

The ordinance would focus on businesses where controlled substances like beer, wine, liquor, tobacco and/or marijuana are sold, as well as massage businesses and late-night business operations. Its looked at as a way to address businesses more susceptible to crime, including the illicit massage industry.

Regulations are expected to most directly affect party stores, vape/smoke shops and dollar stores.

The city commission heard another presentation on environmental design on July 23. The city is inviting local stakeholders to give feedback on the proposal on Aug. 13 during a public hearing at the 7 p.m. commission meeting at City Hall.

Commissioners are expected to vote on the proposed ordinance at their Aug. 27 meeting.

[Menu](#)[Set
Weather](#)[Michigan](#)[Subscribe](#)[Sign In](#)[Search](#)

Grand Rapids wants to reduce crime through building design standards

CPTED is a philosophy of crime prevention that utilizes a multidisciplinary approach to the built environment that is intended to deter criminal behavior and foster quality of life. It incorporates planning, design and management of built environment, and uses “subtle cues” to “assist in guiding positive behaviors.”

Proposed requirements in the ordinance include regulations to ensure visibility, minimum lighting criteria, and property maintenance standards. There could be a requirement for enhanced security measures if a business surpasses a set number of compliance issues within a defined period of time.

About half of the aspects of CPTED are already part of Grand Rapids' codes in various areas. There have been challenges to enforcing them because some businesses were grandfathered-in before zoning code amendments and thus had non-conforming rights, and because current enforcement is complaint-based.

The proposed ordinance puts those codes and others under one enforcement entity. It enhances the city's ability to enforce its design standards because the proposed regulations will be independent from the city's zoning ordinance and businesses will not have non-conforming rights.

Grand Rapids plots next steps for improving community-police relations

[Menu](#)[Set
Weather](#)[Michigan](#)[Subscribe](#)[Sign In](#)[Search](#)

In preparation of the ordinance being considered by the city commission, the planning department did some restructuring. It replaced its sign inspector position with a zoning inspector II position, which will serve as the city's CPTED specialist. A city planner is now in charge of sign permitting, while the specialist will handle sign enforcement and act as a singular CPTED point of contact for businesses and residents.

The proposed ordinance will include an education and awareness component for businesses. Some of those efforts have already begun through neighborhood associations and community police officers, who have undergone CPTED training.

"It is intended that proactive education efforts will be undertaken prior to any enforcement actions so that a business or property owner clearly understands the desire to improve safety within Grand Rapids and how CPTED principles apply to their site," according to a city agenda item related to the proposal.

The city is also considering a pilot facade grant program in partnership with local corridor improvement district boards, philanthropies and business owners, to encourage improvements for non-conforming storefronts.

More discussion is needed to gauge the level of interest in supporting such a program.

Grand Rapids' proposed CPTED ordinance was called for by the commission via a unanimous vote on July 24, 2018. If adopted, it would be the first of its kind in the country, according to the city.

AN ORDINANCE TO ADD CHAPTER 175 ENTITLED "CRIME PREVENTION
THROUGH ENVIRONMENTAL DESIGN (CPTED)" TO TITLE IX POLICE
REGULATIONS OF THE CODE OF THE CITY OF GRAND RAPIDS

ORDINANCE NO. 2019-__

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Chapter 175, Title IX of the Code of the City of Grand Rapids be added, to read as follows:

**"CHAPTER 175 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)
ORDINANCE**

ARTICLE 1 TITLE, PURPOSE, AND SCOPE.

Section 9.929. Title.

These regulations shall be known as the "CPTED" Ordinance of the City of Grand Rapids, Michigan.

Section 9.930. Purpose and Intent.

- A. Crime Prevention through Environmental Design, known as CPTED (pronounced "sep-ted"), is a philosophy of crime prevention that utilizes a multidisciplinary approach to the built environment that is intended to deter criminal behavior, foster improved quality of life, assist in achieving community-policing goals, and facilitate self-policing by the community. CPTED draws on passive strategies incorporated into the normal planning, design, and management of the built environment. This ordinance focuses on goals that relate to the physical built environment and generally addresses the following key elements of CPTED philosophy:
1. Natural access management for the physical guidance of people and vehicles;
 2. Natural surveillance to promote and maximize visibility;
 3. Territorial reinforcement to delineate space and express a positive sense of ownership; and
 4. Physical maintenance and management for the general upkeep of a building or area.
- B. CPTED enhances community-policing, self-policing by the community, and collaboration between property owners, businesses, residents and neighborhoods in the following ways:

1. The creation of a safe environment, both real and perceived, is coupled with place-making to foster community belonging and ownership that discourages criminal behavior.
2. In healthy and safe communities, people are able to generate and implement practical solutions to neighborhood issues because residents are able to coordinate and communicate when not under environmental stress.
3. Human-scaled, pedestrian-oriented environments allow for face-to-face social interaction, relationship building, the self-management of behaviors and community accountability.
4. A relationship-based community can help encourage and maintain community self-policing efforts to reduce the need for City resources and police intervention in places that may be sensitive to a police presence.

C. These provisions are intended to maintain and enhance the attractiveness and economic vitality of business districts and commercial areas by providing a comprehensive approach focused on establishments that sell tobacco, alcohol for off-premises consumption, and marijuana; ~~therapeutic massage facilities~~ bodyworks facilities and those potentially engaged in the illicit ~~massage-adult sexual services~~ industry; and businesses that are open past midnight, subject to certain conditions, in the implementation of CPTED principles to create a safe environment for Grand Rapiadians in the following ways:

Alignment of Provisions with CPTED Principles					
Ordinance Provisions	Elements	Access Management	Natural Surveillance	Territorial Reinforcement	Property Maintenance
Visibility	Window coverage, interior fixtures, window transparency, security devices, parking lots, cash register viewing window, video surveillance		X		
	Customer entrances	X			
Lighting	Sharp cut-off lighting, architectural lighting		X		
	Exterior doors and parking area	X	X	X	
Property Maintenance	Trash, litter, graffiti			X	X
	Vegetation maintenance to maintain vision, lighting, removal, maintain safe passage for pedestrians and vehicles	X	X	X	X

- D. The provisions of this Chapter are deemed to be the minimum requirements necessary for the promotion of the public health, safety and general welfare of the people of Grand Rapids. In addition to the standard requirements of this ordinance, enhanced measures are also provided to reduce recurring issues on sites of chronic non-compliance.
- E. These regulations should be used in conjunction with the associated relevant chapters of City Code, including the Zoning Ordinance, Nuisance Code, and Building Maintenance Code.

Section 9.931. Definitions.

The following definitions shall apply for purposes of this Chapter. Terms not defined in this Chapter shall be given their ordinary and common meaning. Where not otherwise evident, terms shall have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

ACCENT LIGHTING

Lighting which serves to provide visual emphasis and attract attention rather than illuminate space for human activity.

ALCOHOL RETAIL SALES

A retail establishment licensed by the State of Michigan for the sale of beer, wine, liquor and other alcoholic beverages (also known as package goods) for consumption off-premises holding a Specially Designated Merchant (SDM) or Specially Designated Distributor (SDD) license. Restaurants shall be exempt from the requirements of this Ordinance.

BODYWORKS

Any personal service that is not licensed by the State of Michigan and uses one or more of the following practices: the use of touch, words, or directed movement to deepen awareness of patterns of movement in the body (including the Feldenkrais method and the Trager approach); the affectation of the human energy system or acupoints or qi meridians of the human body (including polarity therapy, Asian bodywork therapy, Reiki, and Shiatsu); reflexology; or structural integration. Bodyworks does not include massage therapy.

CASH REGISTER VIEWING WINDOW.

A window through which the cash register for a convenience or package goods store shall be clearly visible from the street. The viewing window shall have a contiguous area of at least twenty (20) square feet of clear glass, minimum dimension of three (3) feet on any side, and have an unobstructed view into the store.

CHRONIC NUISANCE ESTABLISHMENT

An establishment that has been the subject of four (4) compliance letters, orders, or citations for violations of any state or local law issued by the City within any one-hundred eighty (180) day period or, within a twenty-four (24) month period data demonstrates that the establishment contributes to impaired safety within the immediate vicinity which necessitates the deployment of additional city resources.

CLEAR GLASS

Clear or lightly tinted glass in windows, doors, and display windows with a glass that meets Visible Light Transmittance (VLT) and Visible Light Reflectance (VLR) standards. See TRANSPARENCY.

CONVENIENCE STORE

A retail establishment with a limited sales area which may be a freestanding use or associated with another principal use.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Architectural design, site design, and landscape design principles and standards intended to reduce the fear and incidence of crime, and to improve quality of life.

CUSTOMER ENTRANCE

The doorway into a building used for customers or patrons of the business establishment.

ESTABLISHMENT

A place of business that is licensed by the State of Michigan for tobacco, alcohol (off-premises consumption) and marijuana; provides "bodyworks" personal services; and businesses engaged in retail sales and assembly uses that have hours that extend past midnight.~~business that is licensed by the State of Michigan for tobacco, alcohol (for off-premises consumption), marijuana; provides therapeutic massage or "bodyworks"; businesses that have hours that extend past midnight for retail sales and assembly uses;~~ or businesses where repeated zoning, nuisance, building and other public safety issues arise that may benefit from the application of CPTED provisions. Retail businesses that are greater than 25,000 square feet in size ~~with assigned security personnel~~ shall be exempt from the requirements of this Ordinance.

EXTERIOR DOORS

Doorways that allow ingress to or egress from a building.

GLARE

The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.

GRAFFITI

Any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.

IES

Illuminating Engineering Society.

MARIJUANA PROVISIONING CENTER OR MARIJUANA RETAIL SALES

An establishment licensed by the State of Michigan for the sale of medical marijuana or adult-use marijuana.

MESSAGE ~~BUSINESS~~ THERAPY

~~Any business that provides massage services, including massage establishments licensed by the State of Michigan for therapeutic massage or those that purport to provide "bodyworks" services. Full-service salons that include hair, makeup and nails open to the general public shall be exempt from the requirements of this Ordinance.~~ Message Therapy means the "practice of massage therapy" as that term is defined and regulated in the Public Health Code, Public Act 368 of 1978, Part 179A, MCL 333.17951 et seq. Only state-licensed massage therapists shall conduct massage therapy.

PARKING AREA, PARKING LOT

A paved area not within the right-of-way of any public or private street dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

RESPONSIBLE PERSON

Any person or persons related ~~of to~~ the use or development of the land, including participating, assisting, directing, creating, causing, or maintaining a condition that results in a violation of this Chapter. The responsible person may include the property or land owner, tenant or occupant, agent, or any other person who has control over, or responsibility for, the property. Synonymous with responsible party.

RETAIL SALES

Establishments primarily engaged in the sale of goods and materials to the general public.

RIGHT-OF-WAY

Any public street or other public place used for street or sidewalk purposes, including the area between the sidewalk and curb line.

SECONDARY LOCATION

A secondary business operation of the holder of an SDM license that has a primary building of 25,000 square feet or larger and an ancillary gas station as the secondary business, located on the same lot or adjacent lots, shall be considered as one integrated development and exempt from this Ordinance so long as the businesses remain under common ownership; including as a subsidiary or affiliate.

SIGN

Any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business.

TRANSPARENCY

The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior. Measured as clear glass areas for buildings and as open areas for parking structures. Compare to CLEAR GLASS.

WINDOW SIGN

Any sign affixed to or within twelve (12) inches of the interior or exterior of a window and which is intended to be seen by the public from the outside.

Section 9.932. Administration.

The City Manager or designee is responsible for the administration of this Chapter.

Section 9.933. Severability.

If any provision of this Chapter or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or applications shall not be affected, and to this end the provisions of the Ordinance.

Section 9.934. Fees.

Fees associated with the administration of this Chapter shall be set from time to time by resolution of the City Commission.

ARTICLE 2 - GENERAL REQUIREMENTS APPLICABLE TO ESTABLISHMENTS THAT SELL TOBACCO, ALCOHOL, AND MARIJUANA; MESSAGE BUSINESSES; AND ESTABLISHMENTS OPEN LATER THAN MIDNIGHT.

Section 9.935. Applicability.

The requirements of this Article apply to a place of business that is licensed by the State of Michigan for tobacco, alcohol (off-premises consumption) and marijuana; provides ~~therapeutic massage or~~ "bodyworks" personal services; and businesses engaged in retail sales and assembly uses that have hours that extend past midnight. Businesses where repeated zoning, nuisance, building and other public safety issues arise that meet this Chapter's criteria of a chronic nuisance and where the public would benefit from the application of this Ordinance for reasons of health, safety and welfare shall also be considered eligible.

Section 9.936. Contact Information.

Establishments meeting the requirements of this Ordinance shall provide 24-hour contact information to the City of Grand Rapids Planning Department. This information shall contain the contact name of the responsible party for the business, legal identification, mailing address, email and phone number. This information shall be updated annually.

Section 9.937. Visibility.

- A. Purpose and Intent. The following regulations employ natural surveillance, natural access management, and territorial reinforcement techniques to establish a safe and comfortable environment. These regulations are intended to facilitate a clear, unobstructed view into and out of establishments, ensure customers can see and be seen when entering and leaving the premises, provide physical orientation and a

pedestrian-friendly environment, and to discourage would-be offenders by making noncompliance obvious.

B. Effective date.

1. All existing windows shall comply with window coverage, interior fixture, window treatment, transparency, entrance identification, and security device requirements of this Section after the effective date of this Ordinance.
2. Improvements to customer entrances and parking areas, as described in this Section, shall be installed within three (3) years after the effective date of this Ordinance. Glass replacement at customer entrances in order to meet transparency requirements shall comply after the effective date of this Ordinance.

C. Identification. Customer entrances shall be clearly identifiable by means of signage, architectural features, awnings, lighting, or other means, as otherwise permitted by other City codes and ordinances.

D. Window Coverage. The view from outside of the building through windows, doors or other transparent surfaces shall not be obstructed or blocked by more than twenty-five percent (25%) by any painted, stenciled, applied sign or film; bars or other security device; interior display, shelving, cooler, furniture; or other solid fixtures or covering, separately or in combination, except as outlined below. Window panes separated by muntins shall not be counted separately as windows but shall be included in the cumulative total square footage of window area.

E. Interior fixtures. Movable fixtures including but not limited to interior displays, shelving, coolers, furniture, or other solid, movable fixtures above three (3) feet in height located on the interior of the establishment shall be set back a minimum of five (5) feet from the window. Interior fixtures closer than five (5) feet from the window shall be considered window coverage.

F. Window treatments. Shades, blinds, curtains or other window treatments shall allow visibility into the establishment from the outside during business hours but may be used to temporarily filter or block direct sunlight during hours of operation.

G. Transparency.

1. Glass in ground floor windows, doors, and display windows shall be transparent or lightly tinted, maintain a visible light transmittance measurement of at least sixty-eight percent (68%), and have a reflectivity value of no greater than twelve percent (12%) from both inside and outside. Mirrored or darkly tinted glass is not permitted.

1.2. The area of the front and sides of a building between two (2) and eight (8) feet above the sidewalk (or ground level adjacent to the building if a sidewalk is not present) shall be used to measure transparency.

G.H. Customer Entrance.

1. Doors used for customer entry and exit shall be transparent or contain a transparent viewing window. The viewing window shall be located in the upper half of the door, be at least thirty percent (30%) of the area of the door and be situated in a manner that promotes visibility from both sides of the door. Completely solid or opaque doors are not permitted.
2. The primary building entrance shall be in the front façade parallel to the street and readily visible from the public right-of-way. At least one (1) main building entrance shall be located on the primary street.

H.I. Security Devices.

1. Steel barriers, shutters, hurricane curtains and other similar security devices are not permitted on the exterior of the building. If located inside the building, they may not be visible from the public sidewalk or right-of-way during business hours.
2. Security bars or other similar devices are permitted, subject to Section B, above. Security bars count against window coverage.

I.J. Parking area. A parking area abutting and associated with an establishment shall be readily viewed from inside the building by means of either a camera part of a functioning video surveillance system, or by a transparent window of at least six (6) square feet in area for every forty (40) linear feet or portion thereof of the wall(s) of a building that faces the parking area.

J.K. Administrative Departures.

1. An administrative departure may be granted for interior fixtures where minimum building transparency requirements listed in Building Elements tables of Articles 5, 6 and 7 of the Zoning Ordinance are satisfied.
2. An administrative departure may be granted from window coverage, window treatment, or transparency requirements for non-compliant existing windows if another existing window is increased in size, or a new window is added, on the building façade commensurate with the area of the existing window that shall remain covered or non-transparent due to the operating needs of the business.
3. An administrative departure may be granted for the placement of the customer entrance door if the building entrance is located within five (5) feet of a front corner of the building so long as the corner area of the entrance is at least sixty percent (60%) transparent on the street-facing side and situated in a manner that promotes visibility from the public right-of-way.

Section 9.938. Lighting.

- A. Purpose and Intent. The following regulations are intended to establish lighting standards based on IES-recommended best practices to promote safety, utility, security, productivity, commerce, and meet energy constraints with the following CPTED-related objectives: facilitate the visual ability of those performing security or enforcement functions; provide a clear view of an area from a distance, and enable anyone moving in or immediately around it to be easily seen and recognized; remove potential hiding places; permit identification and create the perception that those in the area are identifiable; complement other security devices; provide deterrence and aid in apprehension; and maintain visibility by minimizing and controlling the amount and type of lighting that tends to create glare.
- B. Effective date.
 - 1. All outdoor lighting installed after the effective date of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
 - 2. Existing outdoor lighting installed prior to the effective date of this Ordinance that does not comply with these requirements shall be improved to within three (3) years after the effective date of this Ordinance in a sufficient manner to meet the intent of this Section.
- C. Conformance with All Applicable Codes. All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
- D. Hours of Operation. All lighting regulated by this Section shall operate from dusk to dawn.
- E. General Standards.
 - 1. Lighting types. All outdoor lighting regulated by this Ordinance shall be full cut-off and fully shielded as defined by IES and directed downward to prevent off-site glare and illumination. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield, with the exception of pedestrian walkway ground lighting. The use of barn lights, non-shielded wall packs, floodlights, or lights not aimed downward is prohibited.
 - 2. Solid-state luminaires (high-intensity discharge or LED modules) shall be used in an effort to maintain a unified lighting standard.
 - 3. Uniformity Ratios. To maintain uniformity in light levels and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level and shall not exceed a ratio of fifteen-to-

one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.

4. Intensity. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts or faces a Residential Zone District or residential use, a maximum of 0.5 footcandles is permitted.
5. Interior Lighting. Any establishment in which the interior of the premises remains visually unobstructed after the close of business shall be illuminated with a low-level night light or equipped with a motion detector sensor.
6. Automatic Switching Requirements. Any lighting required by this Chapter shall be equipped with controls that automatically extinguish all outdoor lighting when sufficient daylight is available.
7. Illumination of recessed areas. Alcoves and other recessed areas of buildings or property that are capable of human concealment shall be illuminated during the hours of darkness.
8. Accent Lighting.
 - a) Unshielded decorative lighting that causes glare, including, but not limited to luminous tube (neon), string, rope, tape, LED, fluorescent, or other similar lighting, is prohibited.
 - b) Landscaping lighting shall not generate excessive light levels, cause glare, or direct light beyond the landscaping intended to be featured.
 - c) Holiday lighting, or decorative lighting approved by the Planning Director, may be allowed in accordance with the Zoning Ordinance.
9. Exterior Doors. Each exterior door shall be illuminated so that entry and exit activity is made clearly visible.
10. Parking Area. A parking area abutting and associated with an establishment shall be illuminated in its entirety at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches as measured horizontally at the surface on which the light is mounted. Lighting reduction requirements of the Zoning Ordinance for parking areas containing a minimum of four (4) light poles apply.

Section 9.939. Property Maintenance.

- A. Purpose and Intent. Regular property upkeep expresses ownership, communicates a space is cared for and protected, and allows for the continued use of a space for its intended purpose. Furthermore, proper maintenance promotes natural surveillance by minimizing the likelihood of landscaping obscuring views of outdoor areas from inside of the structure, enhances wayfinding and orientation, and serves as an additional expression of territoriality and ownership.
- B. Effective date. The properties of all establishments shall comply with the property maintenance requirements of this Section after the effective date of this Ordinance.

C. General.

1. All exterior areas of a property shall remain sanitary and free of trash, garbage and litter.
2. A trash receptacle shall be provided within five (5) feet of the exterior of the customer entrance, except if a business district trash receptacle is provided within ten (10) feet of the customer entrance.
3. Commercial waste receptacles and enclosures shall not allow for easy concealment, nor create blind spots or hiding areas.
4. Graffiti shall be removed within twenty-four (24) hours of its appearance on any surface on the subject property.
5. The establishment and property shall be in compliance with all state, local and city ordinances.

D. Vegetation.

1. Views of windows, building address numbers, walkways and the line of vision to the establishment from the public right-of-way shall not be obstructed by vegetation.
2. Reasonable pruning, trimming, or other suitable and acceptable methods shall be used to control vegetation. Vegetation and landscape areas shall be maintained substantially debris-free, neat and orderly in appearance, and in healthy growing condition. Dead vegetation shall be removed or replaced.
3. Vegetation shall not interfere or obstruct any lighting required by this Chapter.
4. The passage or movement of pedestrians or vehicles on any sidewalk, driveway, parking lot, or any other area intended for the use of pedestrians or vehicles shall not be obstructed or interfered with by vegetative overgrowth.

Section 9.940. Rules Pertaining to ~~Massage-Bodyworks~~ Businesses.

- A. Purpose and Intent. Increased access, improved visibility, and operations requirements for ~~massage-bodyworks~~ establishments can reduce or prevent sex trafficking, commercial sexual exploitation, and labor trafficking/exploitation. In addition to the provisions of this Chapter, the following rules are intended to deter illicit ~~massage-adult sexual services~~ businesses.
- B. Effective date. All ~~massage-bodyworks~~ establishments shall comply with the rules of this Section after the effective date of this Ordinance in addition to all other provisions contained herein.

- C. Hours of operation. ~~Massage Bodyworks~~ businesses shall maintain reasonable hours of operation; operating hours may begin at 7am and conclude by ~~9~~10pm. Twenty-four-hour operations are prohibited.
- D. Customer entry. Customer access to the building entry shall only be through the front door of the primary building entrance facing the public right-of-way.
- E. Occupancy and doors. No person or persons shall be permitted to reside on the premises of a ~~massage bodyworks~~ business. Interior doors, other than those for restrooms, customer records and fire doors, shall not contain locks or locking mechanisms. ~~The residency prohibition in this section shall not apply to a Massage Business operating under a home occupation license issued under Chapter 61 of this Code.~~
- F. Licensure. Only licensed massage therapists shall be allowed to operate as a massage business within the City of Grand Rapids. All valid, unexpired licenses shall be displayed at the front ~~entry~~entrance of the business for each massage therapist employed. To verify that a massage therapist is licensed, an establishment shall produce the employee, legal identification and therapist's State of Michigan license for inspection. An establishment is not a bodyworks establishment where the principal use is to provide massage therapy by a licensed massage therapist, in compliance with Chapter 61 of the City Code, Zoning Ordinance. Bodyworks, as defined in this Ordinance, is considered to be a separate use for personal services and is not designated or implied to be massage or massage therapy.

ARTICLE 3 ENHANCED MEASURES FOR COMMERCIAL CHRONIC NUISANCE ESTABLISHMENTS.

Section 9.941. Purpose.

Business establishments that accumulate several violations are particularly resource intensive on City departments and deleterious to the neighborhood surrounding the property. It is the determination of the City Commission that additional enforcement remedies are necessary to address the public health, safety, and welfare issues created by establishments with chronic incidents in a coordinated way. Corrective measures that protect these establishments' employees, their customers, and the neighborhoods in which they are located can assist in reducing adverse impacts the quality of life for neighboring businesses and residents.

Section 9.942. Applicability.

One of the following shall constitute the finding that an establishment is a chronic nuisance. Declaration of the establishment as a public nuisance shall subject it to the requirements of this Article.

- A. The establishment has been the subject of four (4) compliance letters, orders, or citations for violations of any state or local law issued by the City within any one-hundred eighty (180) day period (calendar days), ~~and which letters, orders or citations remain uncorrected.~~
- B. Data indicators within a twenty-four (24) month period demonstrate that the establishment contributes to ~~an increase in~~ criminal incidents (e.g. assaults, robberies) within the immediate vicinity resulting in increased calls for service, additional deployment of police resources for the protection of persons and property or investigations, and disinvestment or failure to thrive of nearby properties.

Section 9.943. Procedure.

- A. The City Manager may declare the property is a nuisance, as defined in this Chapter, by issuing a Notice.
- B. Notice to the ~~property owner or principal operator~~responsible person/s shall include:
 - 1. Street Address or a legal description sufficient for identification of the property;
 - 2. Declaration that the City Manager or designee has declared the property a nuisance with a concise statement specifying the conditions which constitute the nuisance;
 - 3. Demand that the ~~owner and principal operator~~responsible person respond to the City Manager or designee within seven days of service of the notice to discuss a course of action to correct the conditions; and
 - 4. Notice that, if the responsible person ~~in charge~~ does not respond to the City Manager or designee as required in this section, or if the matter is not voluntarily corrected satisfactorily, the City may file an action to abate the property as a chronic nuisance property pursuant to this Chapter or take any other legal action against the ~~property or person in charge~~responsible person.
- C. When a notice is issued pursuant to this section to a ~~principal operator~~responsible person, other than an owner or owner's agent, who has permitted a property to become a chronic nuisance property, a copy of which notice shall also be sent by first-class mail or personally served on the owner of the property, and a copy shall be sent by certified mail.
- D. If either of the following occurs~~s~~, the City Manager may refer the matter to the City Attorney for initiation of proceedings pursuant to Article 5 of this Ordinance:
 - 1. The agreed course of action does not result in the abatement of safety violations to the satisfaction of the City Manager or designee within 30 days of issuance of the notice or within such longer period as permitted in writing; or
 - 2. The person fails to respond as required by the notice.

Section 9.944. Abatement and Enhanced Measures.

A. Pursuant to the issuance of a notice as described in Article 4, the City Manager or his/her designee may require a chronic nuisance establishment to engage in one or more corrective actions. Enhanced measures to ensure public safety, reduce unlawful incidents, and facilitate compliance are identified below. A written Correction Agreement, as provided in this Ordinance, may be used as a tool to implement corrective actions and ensure all requirements are met.

1. CPTED Plan. Develop a CPTED Plan in coordination with City staff and, accordingly, implement recommendations of the Plan; agree to a final inspection of the property to ensure compliance.
2. Good Neighbor Plan. Produce and implement a Good Neighbor Plan, a written program relative to litter control, property and landscape maintenance, and neighborhood communication. Good Neighbor Plan requirements are contained in Article 12 of the Zoning Ordinance.
3. Cash register viewing window. Install a window that allows a clear and unobstructed view of the cash register and sales transaction area from outside the building and in a normal line of sight. The viewing window shall be at least twenty (20) square feet in size, minimum dimension of three (3) feet on any side, and consist of clear glass. No signs shall be posted on the viewing window.
4. Age verification ID scanner. Utilize an age verification identification scanner for age-restricted sales and uses.
5. Surveillance system. Install and maintain a functioning video surveillance system capable of recording and retrieving a digital image to assist in offender identification and apprehension. Cameras associated with the system shall be positioned to capture images of alcohol display areas, the cash register; the customer entrance, and all exterior sides of the building. Enroll in the Police Department Security Camera Registration Program.
6. Maximum display shelving height. Limit shelving height to five (5) feet on the sales floor when not located alongside a perimeter wall.
7. Height markers at the entrance. Locate markers which display height measures at customer exit doors.
8. Silent alarm. Equip the establishment with a functioning silent alarm to law enforcement or a private security agency, unless an application for an exemption is made to and granted by the City.
9. Drop safe/depository safe. Utilize a drop safe or depository safe and limit the amount of cash kept on the premises after 11:00 p.m.

10. Crime prevention training plan. The ~~owner or principal operator~~responsible person of ~~a retail establishment~~the business shall prepare and submit a crime deterrence and safety training prevention plan for approval by the City. The establishment's manager and point of sale employees shall be trained on the curriculum within sixty (60) days of employment. Existing employees shall receive training within six (6) months of the ~~effective date of this ordinance~~date of notice.
11. Sales training plan. The ~~owner or principal operator of an establishment engaged in the sale of tobacco, alcohol and/or marijuana~~responsible person of the business shall prepare and submit a training curriculum covering laws regarding sales, identification verification, declining sales, conflict de-escalation and addressing customer behavior issues for approval by the City. The establishment's manager and point of sale employees shall receive training within sixty (60) days of employment. Existing employees shall receive training within six (6) months of the ~~effective date of this ordinance~~date of notice.

- B. The remedies available in this section are in addition to any other remedies available in this Chapter. Any other measure reasonably related to abate the chronic nuisance, when done as part of a Correction Agreement shall be permitted. Items related to the unique circumstances associated with the property and neighborhood in which it is situated, including in a Good Neighbor Plan, may be included.

Section 9.945. Correction Agreement.

A Correction Agreement is a contract between the City and the responsible person ~~in charge~~ of the chronic nuisance establishment in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement to abate the nuisance conditions within a specified time and according to specified conditions. The agreement shall be signed by the ~~principal operator~~responsible person and, if different, the owner. The agreement shall be executed by the City Manager or designee in a form approved by the City Attorney. In no case shall the term of a Correction Agreement exceed one year. The agreement shall include the following:

- A. The name and address of the responsible persons ~~in charge~~ of the property;
- B. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
- C. A description of the nuisance conditions;
- D. The necessary corrective action to be taken, and a date or time by which correction must be completed;
- E. An agreement by the responsible person ~~in charge~~ that the City may inspect the property as may be necessary to determine compliance with the correction agreement;

- F. An agreement by the responsible person ~~in charge~~ that the City may abate the nuisance and recover its costs and expenses and monetary penalties pursuant to this Chapter from the responsible person ~~in charge~~ for the nuisance if the terms of the correction agreement are not met; and
- G. When a ~~principal operator~~ responsible person, other than an owner or an owner's agent, has permitted a property to be a chronic nuisance property, an agreement by the owner to promptly take all acts and pursue all remedies requested by the City Manager or designee.
- H. An agreement that the City will not engage in any Additional Enforcement Remedies as long as the parties remain compliant with the terms and conditions of the Correction Agreement.
- I. An agreement that the terms and conditions contained in a Correction Agreement are not subject to appeal.

Section 9.946. Certificate of Compliance.

A Certificate of Compliance shall be provided once the conditions of the Correction Agreement are satisfied. The compliance period shall be good for two (2) years during which the establishment shall be considered under probation and subject to bi-annual inspections. Failure to perform during that period may result in a revocation of the Certificate of Compliance and the creation of a new Correction Agreement or the commencement of enforcement activities.

ARTICLE 4 – ENFORCEMENT PROCEDURES AND APPEALS.

Sec. 9.947. Enforcement Process.

- A. Reasonable Entry. Upon presentation of proper credentials and when permission is granted by a person who represents he or she has authority to grant permission, inspections may be conducted within the business, premises or accessory structures during reasonable hours. Entry without consent of an owner or an occupant shall require an administrative search warrant or order issued by a court of competent jurisdiction.
- B. Access. Every occupant of a building, premises or accessory structure shall give the ~~owner~~ Inspector access to any part of the building, premises or accessory structure thereto at all reasonable times for the purposes of making an inspection and any ~~building alterations or repairs~~ documentation, such as licenses, as are necessary to comply with the Ordinance.
- C. Basis of Inspections. Inspections shall be made to obtain and maintain compliance with the provision of this Chapter for one (1) or more of the following purposes:
 - 1. To determine conformity with a permit, zoning approval, or other approval provided in this Chapter, as well as any special conditions imposed.
 - 2. To determine compliance with a notice or an order issued by the City.

3. To verify a complaint received by the City, indicating that there is a violation of the provisions of this Chapter.
 4. To verify an observation by the City of a violation of the provisions of this Chapter or to investigate compliance with the provisions of this Chapter.
 5. To determine if an emergency is observed or reasonably believed to exist.
 6. To fulfill a request for an inspection made by the owner or responsible person.
 7. To inspect a designated area where all dwellings, accessory building, yards, and/or signs are to be inspected uniformly or intensively or for specific violations.
- D. Content of Written Notices of Violation. Written notices of violation authorized by this Chapter shall include the following information:
1. A description of the real estate and/or project name sufficient for identification.
 2. A statement of the violation or violations.
 3. A correction order allowing a reasonable time to correct the violation and bring the property into compliance. If the written notice is a Notice to Abate, the notice shall indicate that the City may act to abate the violation if not brought into compliance.
 4. A statement that failure to comply with the Notice may result in further enforcement action.
 5. A statement that a fee shall be charged for the issuance of the Notice. If the written notice is a Notice to Abate, the cost of City action to abate the violation shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 6. A description of the right to appeal, as applicable.
- E. Method of Service. The written notice of violation shall be deemed to be properly served in one (1) of the following ways:
1. Delivered personally;
 2. Sent by first-class mail addressed to the last known address of the responsible person; or
 3. Any other method authorized for the service of process by court rule or State statute.
- F. Posting. After issuing a written notice of violation, the City, at its discretion, may post a copy of the written notice and/or a placard on the property.
- G. Administrative Extension. A request may be submitted by the property owner for an administrative extension to correct violations cited in a written notice of violation. The extension period shall be determined by the designated enforcement officer, but

shall not exceed ~~two-six~~ (62) months. An extension may be considered under the following circumstances.

1. The extension will not adversely affect adjacent properties nor pose a health or safety hazard to the occupants or others.
2. The owner or responsible person is making significant progress in correcting the violation(s); or
3. There are clearly established extenuating circumstances delaying compliance which are beyond the control of the owner or responsible person.

Section 9.948. Enforcement Appeals.

Except as otherwise provided in this Chapter, any person issued a notice by the City in the course of enforcing the provisions of this Chapter may appeal the decision or interpretation made by the City.

A. Written Notice. An appeal of a written notice, order or ruling regarding a violation shall be made in writing within twenty (20) days of the date of the notice, order or ruling. However, if a notice, order, or ruling requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period.

B. Prohibited Appeals. Appeals governed by this Chapter of the following orders, notices or rulings are prohibited:

1. A determination that an emergency or hazard is present.
2. A ruling, decision, opinion or action of the City Attorney or imposed by a Court of Law, or a civil infraction ticket.
3. Conditions attached to an approved permit.
4. A Correction Agreement.

5. A Declaration of Nuisance and/or a Notice to Abate.

5-6. State licensure definitions, requirements and rules.

C. The ~~Building—Maintenance~~Crime Prevention Through Environmental Design (CPTED) Appeals Board is authorized to hear and decide appeals concerning the application or interpretation of the provisions of this Chapter:

1. All appeals shall be filed, heard and decided in accordance with the provisions set forth in Chapter 135, Article 5.
2. No other extensions or further extensions from that allowed for under an Administrative Extension shall be permitted except by order of the ~~Building Maintenance~~CPTED Appeals Board for good cause.

3. Extensions may be granted no more than three (3) times the length of time provided with the original Notice. The Board shall not permit more than one (1) extension.
4. Extensions may be allowed when the Board finds that the time allowed is unreasonable, circumstances have prevented a good faith effort to comply, or substantial work has been completed and additional time is warranted.
5. In making its determination, The ~~Building Maintenance~~CPTED Appeals Board shall read the Purpose and Intent of this Chapter and any associated articles that reflect on intent prior to making its decision.

Section 9.949. Transfer of Ownership.

An owner or responsible person transferring ownership of a property notified as being in violation of a provision of this Chapter shall notify the City in writing within ten (10) days of the transfer with the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The City shall issue a new Notice of Violation to any person assuming the ownership or the status of responsible person for any condition, building or structure which has been cited in a Notice of Violation.

ARTICLE 5 – VIOLATIONS, PENALTIES, AND REMEDIES.

Section 9.950. Violations.

Except as otherwise provided in Section 9.951(E)(3), a violation of this Chapter shall be a municipal civil infraction punishable by a fine as established in Chapter 170 of the City Code for the first offense. All subsequent offenses shall be a misdemeanor punishable by a fine of up to \$500, or imprisonment for up to 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense and a separate violation subject to enforcement action.

Section 9.951. Enforcement Powers.

- A. The City may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Chapter, including, without limitation, one (1) or more of the actions of this Section. Remedies may be pursued simultaneously or sequentially and the pursuit of a single remedy does not foreclose the simultaneous or subsequent pursuit of other remedies. The remedies are cumulative and the City shall have all power granted from time to time under all applicable federal, state and local laws, rules and regulations:
- B. Uncorrected Violations.
 1. Withhold Permit. The City may deny or withhold any and all permits or other forms of authorization from an applicant on any property where there is an uncorrected violation of a provision of this Chapter or a condition or stipulation of approval for a permit or other authorization previously granted by the City. This

enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. Permit Approved with Conditions. In addition to denying or withholding a permit or other authorization, the City may grant any permit or other authorization subject to the condition that the violation ~~be~~is corrected.

C. License Revocation.

1. The City may institute an action to suspend, revoke, deny, or not renew any city license required by City Code.
2. Revocation, denial, or nonrenewal of State licensing may be sought for noncompliance of a recognized chronic nuisance establishment. The City reserves the right to notify the Michigan Liquor Control Commission (MLCC), Michigan Department of Licensing and Regulatory Affairs (LARA) and any other appropriate state agency required to engage with the subject business.
3. Action taken under this subsection is not subject to appeal.

D. Court Order. The City Attorney may bring and prosecute an action in any court of competent jurisdiction to:

1. Enjoin the owner or responsible person from continuing operations of the business establishment; and/or
2. Comply with the requirements of this Chapter.

E. Municipal Civil Infraction and Misdemeanor Penalties.

1. Municipal Civil Infractions. Enforcement of violations and application of Municipal Civil Infraction fees shall follow the procedures and schedule of fines established in Chapters 67 and 170 of the City Code, respectively.
2. Except as provided in E.1., above, a violation of this Chapter shall, until the fourth offense, constitute a Municipal Civil Infraction, which upon an admission or finding of responsibility shall result in fines established in Chapter 170 Municipal Civil Infractions of the City Code.
3. A fourth offense shall be a misdemeanor punishable by a fine of up to five-hundred dollars (\$500.00), or imprisonment for up to ninety (90) days, or both.
4. Proceedings may be instituted pursuant to Chapter 170 of the City Code. In addition, anyone pleading or found responsible shall pay the costs of enforcement and prosecution.
5. In addition to civil fines, the District Court shall have equitable jurisdiction to enforce any judgment, writ or order necessary to enforce any provision of this Chapter, including but not limited to order the abatement or correction of the offending action or condition or by granting injunctive relief.

F. Declaration of Nuisance and Notice to Abate.

1. A violation of this Chapter is a nuisance per se and the City may institute appropriate actions or court proceedings to correct, or abate any violation of the provisions of this Chapter. If the owner or responsible person fails to abate a violation, the City may take action to abate the violation.
2. The abatement may be performed by the City, by a contract vendor, or by other means determined by the City, the actual cost which shall include an administrative fee, shall be a personal debt of the owner, and may be assessed as a lien against the property until paid.
3. Upon observing a violation of the provisions of this Chapter, the City may issue a Notice to Abate. The Notice to Abate shall include:
 - a) The nature and location of the violation.
 - b) The time within which the violation must be abated.
 - c) Notice that the City may act to abate the violation if it is not abated by the owner or ~~principal operator~~ responsible person within a reasonable time stated in the Notice, but which may not exceed fifteen (15) days. If physical alterations of a building structure are required, the abatement period may be extended through the use of a correction agreement.
 - d) Notice that the cost of such action by the City, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 - e) Notice that any refusal to allow the City to abate an uncorrected violation shall be a separate violation under this Code.

Section 9.952. Commencement of Legal Action.

Upon referral by the City Manager, the City Attorney may initiate an action in any court of competent jurisdiction to abate violations of this article, to impose penalties pursuant to this chapter, to seek alternative remedies under city or state laws and seek any other relief authorized by law.

Section 9.953. Lien.

All of the costs of Code enforcement activities provided for in this Code and incurred by the City shall be billed to the ~~owner of the property, principal operator, or other~~ responsible person, and shall be paid within 30 days of mailing. All costs for abatement-related and Code enforcement activities shall be a personal debt owed to the City by the person billed for the public nuisance and, if the public nuisance is attributable to the use, occupancy, care, control, dominion or ownership of any land or premises, shall also, in addition to being a personal debt, be charged against such premises and the owner thereof and shall be a lien on the property until paid.

Section 9.954. Remedies Severable.

Any action taken by the City to abate any public nuisance under the provisions of this Chapter, or any other provision of the City Code, shall not affect the right of the City to institute other legal or administrative proceedings against the person committing, creating, permitting or maintaining any public nuisance for violation of this Chapter nor affect the imposition of the penalty or remedy prescribed or imposed for such violation. Upon application by the City to any court of competent jurisdiction, the court may order the public nuisance abated and/or the violation or threatened violation restrained and enjoined.”



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

TO: City Council

FROM: Lisa K. Hagen, Assistant City Attorney

DATE: September 13, 2019

SUBJECT: **Ordinance Chapter 1300, major changes from prior enacted ordinance**

The following are the major changes to Chapter 1300:

- Ordinance applies to all Marihuana Operations, including medical and recreational marihuana.
- Eliminates the Medical Marihuana Commission, leaving the appeal process with the City Clerk.
- Adds the following recreational license types: Marihuana Retailer, Marihuana Processor, Marihuana Microbusiness, and Designated Consumption Establishment.
- The maximum number of locations for both Medical Marihuana Provisioning Centers and Marihuana Retailers is 28. (Prior version had a maximum number of 25 Medical Marihuana Provisioning Center licenses.)
- Maximum number for Marihuana Microbusinesses is 1 location per Ward, this is a new type of license that grows, processes and sells marihuana.
- Maximum number for Designated Consumption Establishment is 1 location per Ward.
- Caps the number of Medical Marihuana Grows and Marihuana Grows at 75, but beginning on January 1, 2021 as licenses are denied or issued licenses are not renewed, the total number of locations will be reduced to 55.
- No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall permit the sale, consumption, or serving of alcohol.
- Regarding buffering, changes public playground equipment to public parks.
- Prohibits consumption of marihuana in a public place, except as provided by state law.
- The option to appeal to the Zoning Board of Appeals was eliminated; there will be no variances permitted from buffered uses.

Submitted @ mty



Andy Schor, Mayor

RECEIVED

SEP 19 2019

LANSING CITY COUNCIL

Memo

To: Council Public Safety Committee

From: Andy Schor, Mayor of Lansing

cc:

Date: 9/19/2019

Re: Proposed 2 am-5 am parking ordinance

1. 404.13 – I do not support the language here requiring parking zones to be established by ordinance and confirmed by issuance of traffic control orders. Traffic control orders already require Council approval by resolution. 404.11, passed unanimously by Council and supported by me, allows traffic control orders to establish zones and the conditions within those zones (location, time period, signage), and this is the appropriate language that should be utilized regarding all parking zones. The proposed language in 404.13 of committee draft 3, which requires an ordinance change for each zone, will be an unnecessary additional step and add significant time to the process. Using the language in 404.11 where traffic control orders are used to establish zones, Council will still have final oversight to approve any permanent traffic control order creating a zone. So, if there is outcry from residents within a proposed zone, Council will have the opportunity to address it.

2. 404.13 (B)(5) - I do not support the requirement of an explanation by the applicant of the need to park on a residential street within the zone between 2 am and 5 am. People should be able to apply and receive these permits without being judged by the city for the reason. You have said that this is to prevent those with packed garages from being able to park on the street. I understand this argument, but I what people choose to do within their own homes is up to them. What happens within the privacy of someone's home is their business, as long as it is not a health violation. Additionally, there are no specific conditions listed in the ordinance on what qualifies as need and I don't want our parking manager to have to decide if using a closed garage for storage is an appropriate reason or not to give out a temporary or annual parking pass. Having a lot of stuff in a garage is not an ordinance violation, and if that is how people

A. Schor

want to use their garage space then we should not prevent them from having an on-street annual or temporary parking permit if they are in an allowable zone and meet the conditions of the ordinance.

3. 404.13 (C) (3) - this language needs to be more vague. As technology becomes available, requiring a sticker may not be the best way to display the license. Additionally, if the sticker must be visible on the front driver side windshield then we could have problems when there is snowfall if the car is not cleaned off. I can have Parking come up with language that will allow for the best enforcement. Or we can say in the ordinance that Parking will create rules on how to post and display the permits. We should change this in 404.11 at some point also.

4. 404.13 (D) (3 and 4) - see above. Same issue. The hangtag may not be the best way to post a permit in a vehicle. And visibility of a hangtag could be an issue in or after snowfall, or in detrimental conditions.

5. 404.13 (E) (4) - I don't understand the reasoning behind only granting one annual permit and one temporary permit at a time. Nor do I see the reasoning behind limiting to no more than 4 temporary permits per calendar year. A family could have children with cars that need to park them on the street annually. And a person could have visitors several times and need to use temporary permits at different times throughout the year. These limitations seem unnecessary. While I would prefer this language to be removed, if Council feels strongly about needing limitations I would be okay with a compromise that removes the limitations and instead instructs Public Service to include limitations in the traffic control order (or to amend the traffic control order in the future) if the conditions of the zone necessitate it or if a majority of the residents of the zone request limitations through surveys of some sort.

6. 404.13 (E) (9) - Permit holders should be able to transfer permits, but it should be subject to approval of the Parking office. This change should be made in 404.11 also.

7. 404.13 (E) (10) - This language is fine, but I would like added that notice must be given to the parking office.

8. 404.13 (F) - See above. These are not needed as parking zones should be issued by traffic control orders. Again, we are surveying to indicate where we want to start. And we will use the info from public comment through city council meetings. Once we know where the zones are and the conditions in the zones, we will sell permits and bring on staff to accomplish the enforcement. The intention will be for this to be revenue neutral, in order to pay for the enforcement staff. At first, current staff will be offered overtime to do this and we will bring on contract employees to fill the time that our staff can't fill. Once this is up and running, we can see about hiring permanent staff to do this and will evaluate if it is simply part time staff, or if we raised enough money to have full time staff that can also be on during the day if the hours work out.