



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

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

1. Call to Order

2. Roll Call

3. Minutes

- August 15, 2019

4. Public Comment on Agenda Items

5. Discussion:

- A.) DISCUSSION – City Attorney Update – 3801 Walton
- B.) RESOLUTION – Introduction & Setting Public Hearing; Chapter 1300 Amendments
- C.) DISCUSSION – Correction Notice Fees
- D.) DISCUSSION – FY 2020/2021 Budget Priorities

6. Other

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

7. Adjourn

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MINUTES **Committee on Public Safety** **Thursday, August 15, 2019 @ 3:30 p.m.** **City Council Conference Room, 10th Floor**

CALL TO ORDER

The meeting was called to order at 3:30 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
Scott Sanford, Code Compliance
Anethia Brewer, Court Administrator
Officer Colby, LPD
Chevla Ackey
Nancy Mahlow
Chad Gamble, Parking Manager

Public Comment

Ms. Mahlow asked that the Committee take into consideration the budget priorities and prioritize more officers in the LPD.

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 1, 2019.
MOTION CARRIED 2-0.

DISCUSSION/ACTION

DISCUSSION- Lansing Housing Commission Eviction Process;

Lansing Police Department and District Court's Role

Council Member Wood started out by noting that the LHC Director was invited to also attend but was not able to attend. Officer Colby then went through the eviction process that she follows and is aware of for the property, specifically 3200 S. Washington. Examples she provided included leasing violation, evictions, the number of violations before an eviction, and the time it takes from start to finish in the courts. She noted that she is being told by the LHC that the delay is in the Courts system. Ms. Brewer explained that with an eviction hearing, the judge could give those 10 days per the rule of the court, but once the courts receive notice, they do schedule within 20-24 hours, and it is scheduled out 10-14 days. There are four (4) judges that handle landlord/tenant cases and hear anywhere from 25-35 a week. If the tenant is required to leave, they have 2 weeks to move, and then the responsibility is on the landlord to inform the Courts if they did not move and as for rite of eviction. If they seek that rite of eviction, the eviction is 11 days after the filing. If the tenant asks for representation during this process, it could take longer in the process. Council Member Wood added to the discussion that things run differently also

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when HUD properties are involved because they have their own requirements. Officer Colby noted also that she was informed the Chief Green has also spoken to Mr. Fleming, the LHC Executive Director, and she has notice changes at the property and it is evident to her that they are addressing some of her concerns. Ms. Brewer stated she would reach out the judges as well on the process for the complaints and report back to Council.

DISCUSSION – City Attorney Update – 3801 Walton

Ms. Abood first noted that he had a discussion with the Building Official, who had informed him they inspected the property on March 14, 2019 and there was a list of violations that had a 30 day compliance schedule. They have a re-inspection scheduled for August 20, 2019 and if they comply they will not have any standing for violations or non-compliance. If they do not comply they will pursue with the courts with a court compliance. Council Member Wood asked if the OCA had obtained affidavits from the tenants and Office Colby on the property, and Mr. Abood informed her those are not needed for the building code violations. Council Member Wood then asked if they were obtained for the nuisance issue, and Mr. Abood stated if they do not comply with the code violations it is not a nuisance. Council Member Hussain added to the conversation that it is evident it is not just code issues, but all the calls to service at the site, and tenant issues with the landlord. Mr. Abood assured the Committee that the better course of action is to go through the code compliance, and if they do not comply with that, then go to the courts. He added that the consent letters the landlord signed and Council agreed to are not court enforceable contracts. They are an indication of the good will of a landlord that they are willing to do, again he stated the consent is not a court order. The OCA needs significant proof to establish a public nuisance legally, a code violation is a solid proof this is a nuisance. Mr. Abood was asked to provide the time for the inspection on August 20th to the Committee and Office Colby.

DISCUSSION – Correction Notice Fees

The Committee asked if Mr. McGrain was attending this meeting and was told by Mr. Sanford he would not be. Council Member Hussain then explained that it appears there are properties with multiple violations, however the second notice charge of \$75 is all that is charged every time. Council Member Hussain asked for an increase in the fine structure. After Mr. Sanford explained the number of violations, and 671 second notices in this calendar year alone, the Committee discussed fees that would increase after each 2nd notice. Mr. Sanford was asked to research how many violations actually generated a second notice, to provide a recommendation on an increase, and the recommended options for a tiered violation system or graduated fees.

OTHER

Mr. Sanford was asked to provide an update on the recent tagging at Willow Woods Apartments. Mr. Sanford confirmed there are 59 units, and they were pink tagged because they do not comply with the inspections, however the owners are stating there are codes they do not have to comply because they are not stick built homes, but manufactured housing. The tags were provided to the tenants and the State since some are Section 8 housing. The owner was notified they cannot rent any vacant units until they are in compliance. If he does not comply it will go with the courts. Mr. Abood added that the OCA in February spoke to the owner's attorney and they were required to submit a certificate of compliance to the City but have yet to provide it. They have communicated with code informally to find out information, but there has been no assurances made. He added that his office did speak to the owner's attorney on August 14th and they are working on scheduling an appointment for the week of August 19, 2019. Council Member Wood voiced her concern of the information that there were safety concerns in the property such as non-working smoke detectors, and there are issues with moving 59 tenants out if they have to move them out. She then asked how many of those units are empty and if anyone was following up to make sure the landlord was not renting out the vacant units. Mr. Abood again stated the owner is arguing it is a manufacture housing complex so they do not fall under the same codes, so they believe they do not have any obligation, but the OCA continues to tell them they are not correct and they are obligated to follow. He will reiterate that to them again when they meet in person. Mr. Abood was asked if there was anything in place to do something immediately, and he informed them that once it was pink tagged they have 30 days to comply or people do have to move out. They will not be given an extension unless they convince the courts otherwise. They do not have the ability outside of the courts and statutory obligation to get out. Council Member Wood provided examples of other troubled sites in the City and how attention was brought to those situations. Mr. Sanford noted that in this case, under a pink tag, without a valid certificate they cannot rent or collect damages from past renters. Ms.

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Brewer was asked if during an eviction process if the courts asked if the property was ever pink tagged, and Ms. Brewer made note and was going to follow up. Council Member Wood asked Mr. Sanford if the tenants are provided information on legal aid when the property is pink tagged, at which point Mr. Sanford confirmed they cannot provide legal advice, but they do speak to the tenants on information for assistance they can call for.

Ms. Mahlow spoke briefly on concerns with seniors in the community and rentals who do not clearly understand the process.

Council Member Hussain spoke to Mr. Sanford on the Rivershell Apartments, particularly building 3211, unit 29 which he stated he was made aware of a mold issue at its location. Mr. Sanford explained there are 1,000 types of mold and his office cannot financially afford to test or certify everything, so it is cost prohibitive to get involved. He added that the County has also walked away because they were told they do not have the standing, so complaints like this are referred to mold remediation. He added that in this case, because they were not involved in a testing or where the results came from they cannot speak to its validation.

Regarding property on Davison, Mr. Sanford stated they are in the process of possibly evicting those tenants because of water in the basement, and they have been working with HRCS to provide assistance, and trying to do everything they can do within the constraints of what the City can do. Everything the City does is to State building codes not HUD standards. Council Member Hussain went back to Willow Woods and asked if the issues were going since February, why it has taken so long. Mr. Sanford admitted the owners did not address and it now it is under new ownership. They have done monthly inspections.

DISCUSSION – Parking Ord. Chapter 404 Section 404.13

Council Member Wood recapped that the ordinance is complete, however the Committee will not be moving forward until they have items worked out on the process and enforcement. Mr. Gamble went through the questions from the last meeting, July 18, 2019. Regarding the type of permit, he stated they would be using a hang tag similar to current parking, however it would be larger. Mr. Gamble added that since the last meeting, they have confirmed with the State that they cannot place anything on the license plate. The permit will be stored with the license plate numbers, so if the hang tag is not visible because of weather they can quickly search the license plate. Regarding the temporary permit option, Mr. Gamble stated they are working with the vendor on options since it will be something that can be printed at home when purchased electronically. Mr. Gamble added that a permit will not be issued to any address or street where there are parking restrictions or a meter. Moving through the questions, Mr. Gamble answered for question 2 which spoke to cost, that they are leaning towards a \$125 annual per fee, and \$30 for a three (3) day temporary permit. Council Member Hussain asked how they arrived at \$125 and Mr. Gamble said they looked at the convenience factor, off-set by not being too convenient so not create an issue that will conflict with street maintenance, being a comparative rates in a downtown market. Regarding question 3 which spoke to enforcement, Mr. Gamble confirmed that the initial plan is to have two (2) people on duty to address, and before this is launched to already begin the “no parking 2am – 5am” so the residents are aware it is currently not allowed, even though it hasn’t been enforced in a while, so people are aware it will be coming. To notify people of street closures, maintenance of other issues, they decided for question 4 that they will be notifying people in emails, texts, etc. asking them to move their cars. Regarding the question on signage, Mr. Gamble concurred they can justify there would not be any additional signs place. Lastly, Mr. Gamble spoke on the application process, noting it will be a fillable field driven form and the system will extract and utilize the information the applicant fills in and will either approve or ask for more information. Mr. Gamble then asked to speak to some items in the ordinance his office wants clarity on. One item, being they want to make sure when they apply it is a non-metered area and there are no time restricted parking. They also want to make sure the ordinance has the appropriate fees associated with it, so once it is passed the fees will be part of the ordinance and he offered to put that language in the appropriate format. Lastly, Mr. Gamble stated they will look into the funding need for staff members, which could be temporary until they figure out the specifics for enforcement of the permit program.

Council Member Wood asked Mr. Gamble to present the final process to the Committee of the Whole on September 9, 2019 when Mr. McGrain will also be present to speak about the Economic

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Development & Planning Department. Mr. Gamble asked for it to be a later date, September 30, 2019 so he items will be formalized by that time.

Ms. Mahlow asked about City streets that are currently narrow. Mr. Gamble stated that the permit parking will only be allowed where parking is already currently allowed during the day. They are not going to permit parking at night if you cannot already park there during the day. He added also, that regarding the permits, they will allow one (1) temporary permit and one (1) annual permit concurrently, and only two (2) temporary permits at one time. This would bring the total to only two (2) permits at one time. The Committee and Mr. Gamble discussed the number of permits per house, and the ordinance was referenced, page 7, line 10-13 that spoke to "dwelling or structure", and the Committee was encouraged with one permit "per parcel". Ms. Bowen was asked to research the language to make that change, and also define "designate parking to mean....." The discussion would continue on September 5, 2019 regular meeting with the changes discussed. Council Member Wood stated once the Committee received the next draft it would be sent to the Mr. Gamble to review as well so he could provide his input in writing and there would be no need for him to attend the September 5, 2019 meeting.

DISCUSSION – FY 2020/2021 Budget Priorities

Council Member Wood encouraged the Committee to consider suggestions for the priorities and the Committee will discuss at the next meeting. Council Member Hussain already suggested more funds for Code officers, based on what Council is hearing from Mr. Sanford and the residents.

OTHER - continued

At the September 5th, 2019 meeting the OCA was asked to report out on what they found out on the recent changes in the City of Jackson where landlords are asked to assist in the financial support of displaced tenants.

ADJOURN

Adjourned at 4:58 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: _____

RESOLUTION #2019-215

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING, MICHIGAN

WHEREAS, pursuant to City Charter, Chapter 3, Section 3-206.1, "The City Council may make investigations into the affairs of the City . . ."; and

WHEREAS, the Public Safety Committee has devoted many hours of time receiving, discussing, and analyzing complaints of public nuisance issues on the record at the property located at 3801 Walton, Lansing Michigan; and

WHEREAS, the Public Safety Committee referred to the City Council that it now declares the property a public nuisance and that the Office of the City Attorney pursue legal action to abate such alleged nuisance activities at 3801 Walton.

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares 3801 Walton a public nuisance and authorizes the City Attorney to commence litigation against the property.



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

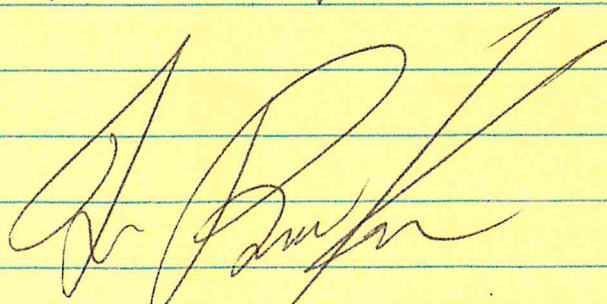
#4 5 CAMERAS Installed
for total surveillance

#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



INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An ordinance of the City of Lansing, Michigan, for the purpose of amending the Lansing Codified Ordinances 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 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, September 30, 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 the Lansing Codified Ordinances 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.

Interested Persons are invited to attend this Public Hearing

MEMO: Ordinance Amendments to Chapter 1300 Marihuana Establishments/Operations

FROM: Carol Wood, Chair of Public Safety Committee & President of City Council

DATE: August 26, 2019

The City Council was given a draft ordinance from Mayor Schor to amend Chapter 1300 Marihuana Establishments/Operation.

The Committee has been working on the ordinance every week in order to meet the timeline that requires Council to adopt an ordinance and have it in place by November 1, 2019.

There were certain items within the ordinance that were not conveyed to the Public Safety Committee, which has now drastically changed the timeline.

August 27th the Public Safety Committee will meet to finalize the draft ordinance so it can be sent to the Planning Board for the Public Hearing.

Must be to the Planning Department no later than August 30th.

September 3rd Planning Board Public Hearing. Comments must be returned to Council by 9:00 am September 5th.

September 5th Public Safety Committee will set the Public Hearing. This is a zoning ordinance requires 15 day notice.

September 9th Setting the Public Hearing at the Council meeting for September 30th.

September 19th Public Safety Committee will pass the ordinance out of Committee

September 23rd Committee of the Whole Council will review the ordinance.

September 30th Public Hearing and passage of the ordinance. This is a zoning ordinance and cannot take effect until thirty days after passage.

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 1300.076.

~~*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 ~~an~~ 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 ~~an~~ 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 ~~an~~ Medical ~~an~~ 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 MMMA, 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 LICENSE ~~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 eChapter 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/e 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.

(eg) 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.

(Ord. No. 1217, § 1, 9-7-17)

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

~~(a) Except as may be preempted by State law or regulation, the following minimum standards for medical marijuana 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)

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

- 1004 (a) ~~Except in accordance with Section 1300.18, for buffering and dispersion purposes, nNo mMedical~~
 1005 ~~mMarihuana pProvisioning eCenter OR MARIHUANA RETAILER shall be located within:~~
- 1006 (1) One thousand feet, of an operational school, including pre-kindergarten that is located within a
 1007 school; PUBLIC PARKS; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME
 1008 OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE
 1009 MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR
 1010 AGENCY; or
- 1011 (2) Five hundred feet, of the following buffered uses: ~~public playground equipment located in a~~
 1012 ~~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 mMedical~~
 1018 ~~mMarihuana pProvisioning eCenter OR MARIHUANA RETAILER.~~
- 1019 (b) Medical ~~mMarihuana pProvisioning eCenters 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 ~~mMedical mMarihuana pProvisioning eCenter 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 on 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 662 (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 1300.14(a) AS WELL AS A RENEWAL FEE OF \$2,500.00. A FEE SET BY RESOLUTION OF COUNCIL.~~

~~1300.17~~16. - 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;

1205 v. ~~The character of the structure and its surroundings; and~~
1206 vi. ~~The impact of the variance on the character of the structure's surroundings and owners of~~
1207 ~~other properties in the vicinity.~~

1208 (4) ~~If the Board of Zoning Appeals approves the variance, the application and decision shall~~
1209 ~~immediately be submitted to the City Clerk for further processing under this chapter.~~

1210 Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these
1211 provisions are repealed.

1212 Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the
1213 same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so
1214 declared to be invalid.

1215 Section 4. This ordinance shall take effect on the 30th day after enactment unless given
1216 immediate effect by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall
1217 expire December 31, 2028.

1218

1219 Approved as to form:

1220 _____

1221 City Attorney

1222 Dated: _____

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
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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
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Trash and Grass Abatement Fees

This service fee does not include cleanup and mowing costs charged by the contractor	\$265.00
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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
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<u>Demolition Fees</u>	\$4,000.00
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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.

RESOLUTION #2018-246

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Charter of the City of Lansing requires the Council to adopt an annual statement of Budget Policies and Priorities serving to guide the Administration in developing and presenting the Fiscal Year ~~2019-2020~~ 2020/2021 Budget; and

WHEREAS, the City Council established the following Mission/Vision and goals; and

The City of Lansing's mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
 - a. The City's diverse economy generates and retains (sustains) high quality stable jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life.
 - b. The City is governed in a transparent, efficient, accountable and responsive manner on behalf of all citizens.
 - c. The City's neighborhoods have various resources that allow them to be on a long term viable and appealing basis.
 - d. Support economic development initiatives that promote and retain new industries and markets.
- II. Securing short and long term financial stability through prudent management of city resources.
 - a. Wise stewardship of financial resources results in the City's ability to meet and exceed service demands and obligations without compromising the ability of future generations to do the same.
 - b. Pursue and facilitate shared services regionally that allow for cost savings and revenue enhancement.
 - c. Support initiatives that build the City's property and income tax base.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
 - a. The City's core services and infrastructure are efficiently, effectively and strategically delivered to enable economic development and to maintain citizen's health, safety and general welfare.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
 - a. Seek partnership opportunities with educational and corporate institutions and to maintain and expand our talent base.
 - b. Create vibrant places, support events and activities that showcase our waterfront and green spaces.
 - c. Raise the level of support for projects and initiatives that showcase local and state history.

V. Facilitating regional collaboration and connecting communities.

- a. The City has a safe efficient and well connected multimodal transportation system that contributes to a high quality of life and is sensitive to surrounding uses.
- b. Seek a balanced distribution of affordable housing in the tri-county region.

WHEREAS, the City Council would like to continue its commitment, if funding is available, to:

- Maintain and improve the City's infrastructure;
- Preserve and ensure clean, safe, well-maintained housing and neighborhoods;
- Provide comprehensive and affordable recreational programs and youth and family services;
- Explore alternatives for improved efficiency in service and delivery; and

WHEREAS, in considering these Fiscal Year ~~2019-2020~~ 2020/2021 Budget priorities, the Administration is encouraged to ascertain the feasibility of funding any new programs through either the reduction of spending in existing program areas or the exploration of new funding sources that would assure the sustainability of the program; and

WHEREAS, the Administration was encouraged to supplement, not supplant any existing resources for police, fire and local roads with the General Fund revenues collected under this millage; and

WHEREAS, the Administration is requested to include in its Fiscal Year ~~2019-2020~~ 2020/2021 Budget, the necessary funding to accomplish all requested plans, studies, evaluations, reviews, report submissions, program assessments, and analyses noted within this resolution below, or alternatively documentation as to why such activities are prohibitively costly; and

WHEREAS, the Lansing City Charter states that the budget proposal due on the fourth Monday in March of each year shall contain "the necessary information for understanding the budget" and how the proposal addresses the priorities proposed by the City Council.

NOW BE IT RESOLVED, that the Lansing City Council, hereby, acknowledges that the City will likely need to adopt, at best, a budget which recognizes the structural changes that are the result of lost revenues and future liabilities, encourages the Administration to prudently develop next year's budget with the following conditions:

- Protection of public and emergency services.

BE IT FURTHER RESOLVED, that the Administration is requested to review the attached statement of policies and priorities and implement those items that would boost efficiencies to increase productivity or reduce costs, that could replace existing programming, or if funding becomes available, that could be considered as new programming; and

BE IT FURTHER RESOLVED, that the Administration is requested, to the extent practicable, to include non-appropriations clauses and other similar out provisions in existing and future leases, and vendor contracts upon review of City Council; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Administration is requested to develop and provide all plans, studies, evaluations, reviews, report submissions, program assessments, and analyses noted as set forth below in this resolution, or alternatively, documentation as to why such activities were prohibitively costly, by the fourth Monday in ~~March 2019~~ March 2020.

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors.
 - a) The City's diverse economy generates and retains (sustains) high quality stable jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life
 - (1) Economic Development For presentation to City Council beautification standard/expectation and a storm water mitigation plan for all proposed development projects that receive incentives from the City. Such standards should serve as a planning and economic development tool that will enhance property values, create jobs, and revitalize neighborhoods and business areas. These standards and plan should be presented to the City Council.
 - b) The City is governed in a transparent efficient accountable and responsive manner on behalf of all citizens.
 - (1) A delineation of recommendations of the Financial Health Team, noting which recommendations have been implemented, which are in the FY ~~2018/2019~~ 2020/2021 proposed Budget, which are planned to be implemented at a future time, and which have been determined not to be implemented at any time. A timetable for future implementation is requested.
 - (2) Supplemental Accounting Level Detail. A plan and timeline for the implementation of performance-based budgeting.
 - (3) Development and analysis of a cost recovery schedule for City services.
 - (4) Development of a return on investment analysis for all proposed changes in City services.

- (5) Identification of, and a complete and ongoing analysis of, the City's structural deficits and the Administration's plan to eliminate the same.
 - (6) Incorporate into the proposed Budget a 5-Year projection of revenues and expenditures.
 - (7) Continue to invest one-time money into Retirement & OPEB obligations and how to increase funding.
 - (8) Continue to invest one-time money into Infrastructure, including sidewalks.
 - (9) Continue to invest one-time money into hardware and software investments for City operations.
- c) The City's neighborhoods have various resources that allow them to be long term viable and appealing.
- (1) A researched report on surrounding community models for neighborhood organization technical support structure within the City.
 - (2) Working with the City Attorney and Code Compliance Division to expedite improvements or closure of abandoned, neglected, and burned out houses and commercial buildings by using the International Property Maintenance Code (IPMC) and adopt the latest version of the IPMC from the State of Michigan. Development of aggressive policies to deal with problematic property owners.
 - (3) Food Access: Together with the City of Lansing Economic Development Corporation development of a plan should increase quality food access throughout the City using all incentives available.
 - (4) Code Compliance: Assurance that the Code Compliance Department is conducting the appropriate inspections and issuing appropriate fines to ensure the buildings in our City are safe and that we have quality neighborhoods and conduct a study of Code Compliance to determine a level of service for first time inspections and re-inspections assuring the safety of the housing stock for residential and mobile homes.
 - (5) Further expand down payment assistance programs with employers to encourage employees to live in the City of Lansing, and encourage employment of Lansing Residents.

- d) Support economic development initiatives that will promote and retain new industries and markets.
 - e) Funding through HRCS for a G.E.D. program that targets lower income areas.
- II. Securing short and long-term financial stability through prudent management of City resources.
- a) Wise stewardship of financial resources results in the City's ability to meet and exceed service demands and obligations without compromising the ability of future generations to do the same.
- (1) Administration is requested to submit the following list of deliverables when they are due per City Charter and State Statute and adhere to them based on these priorities.
- (a) Comprehensive Annual Financial Audit (CAFR) annually, no later than December 31st of each year, in accordance with the State Statute.
 - (b) During the months of October, January and April of each fiscal year, the Director of Finance's written report showing the control of expenditures. (Charter- Article 7-110)
 - (c) By September 1st of each fiscal year, a written budget update report so that Council can review their standings on current budget items in preparation for the Council required creation of Budget Policies and Priorities that need to be adopted by October 1, 2019. (Charter- Article 7-102)
 - (d) No later than the last regular City Council meeting in January of each year, a State of the City report to the City Council and to the public. (Charter- Article 4 -102.4)
 - (e) The Proposed Budget with annual estimate of all revenues and annual appropriation of expenditures no later than the 4th Monday in March of each year. (Charter – Article 7-101)
 - (f) A presentation to Council of each department budget in preparation for Council to adopt the Budget Resolution no later than the 3rd Monday in May each year.

- b) Pursue and facilitate shared services regionally that allow for cost savings and revenue enhancement.
 - (1) Pursue partnerships with stakeholders, (intra municipal and intergovernmental), to align services in relation to public services.
 - (2) Facilities Plan: Submit to the City Council a five and ten-year Master Facilities Plan including school and county facilities that are used for current and future City uses. City Council is also requesting that the Administration continue to work on any delayed maintenance issues with regard to all City Facilities.
- c) Support initiatives that build City's property and income tax base

III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.

- a) The City's core services and infrastructure are efficiently, effectively and strategically delivered to enable economic development and to maintain citizen's health, safety and general welfare.
 - (1) Establish funding for two additional Code Compliance Officer as well as an additional support staff to track down property owners that have not scheduled re-inspection and to research properties suspected of being unregistered rentals.
 - (2) City-wide Emergency Preparedness: Allocation of sufficient funding for the Emergency Management Division to prepare City Employees with appropriate emergency training, continue efforts to prepare the public and neighborhood groups to assist in emergencies, and provide basic search and rescue operations and necessary emergency equipment at key City facilities, and communicate the plan to the Lansing City Council and the public. Updated and continual training should be provided. The Administration shall assist residents in times of unforeseen disasters.
 - (3) Fire Facilities Maintenance: The Administration is to conduct a study of the maintenance needs of all fire stations and report to City Council an update of the status of the study by the 4th Monday of March. Along with a funding recommendation for short and long-term improvement to these structures.
 - (4) Regionalism: The Administration should continue with the current regional efforts and look into the possibility of expanding the efforts.

- (5) Police-Community Relations: Designate funding to help the Police Department to ensure the improvement of police-community relations. Reaffirming the City's commitment to equality and freedom for all people regardless of actual or perceived race, sex, religion, ancestry, national origin, color, age, height, weight, student status, marital status, familiar status, housing status, military discharge status, sexual orientation, gender identification or express, mental or physical limitation, and legal source of income.
- (6) Crime Prevention: Designate funding to invest in programs for long-term crime prevention strategies.
- (7) Allocate Overtime for Problem Solving Area: Designate sufficient funding for overtime for police officers to address problem solving to help certain crime and address quality of life issues.
- (8) Community Policing: Continue and increase funding along with searching for grant funds for COPs in neighborhoods with a goal not only to reduce crime but to stabilize the neighborhood over an extended period of time that will help to ensure its ability to rebound.
- (9) Establish a Community Policing within the 2nd Ward.
- (10) Leadership vacancies: Develop and implement a plan and timeline to fill all funded vacancies and provide a report to City Council.
- (11) Front –loading of Police Officers: Continue to front-load Police Officers so that we have officers ready to take the road when officers retire.
- (12) Increase street sweeping, especially areas heavily traversed by bikes.
- (13) A study to determine the effectiveness of traffic calming and what measures may be successful and funding to implement.

IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.

- a) Seek partnership opportunities with educational and corporate institutions and to maintain and expand our talent base.
- b) Create vibrant places, support events and activities that showcase our waterfront and green spaces.
 - (1) Trail/Greenways Encouraging the Parks and Recreation Department to work collaboratively with the Tri-County Planning Commission to

develop/expand our citywide/regional trail system and seek opportunities to reduce expenses in this effort. Additionally, look at the feasibility of connecting the River Trail (through bike lanes/Greenways to Trails) where there is currently no access to the trail.

- c) Raise the level of support for projects and initiatives that showcase local and state history.

V. Facilitating regional collaboration and connecting communities

- a) The City has a safe efficient and well-connected multimodal transportation system that contributes to a high quality of life and is sensitive to surrounding uses.
 - (1) Corridor: City Council encourages the Administration continue to develop a plan and report its status to the Lansing City Council that seeks to revitalize and enhance all major corridors that lead into the City.
- b) Seek a balanced distribution of affordable housing in the tri-county region.

OPTION TO ADD THE 2019 BOARD OF PUBLIC SERVICE LIST HERE

~~RESOLVED, recognizing the financial challenges facing the City of Lansing ("City") and its Public Service Department ("Department"), including the Department's obligations to comply with numerous mandates, including unfunded mandates, the Lansing Board of Public Service supports the efforts of the Department.~~

~~RESOLVED, the Board of Public Service supports and recommends the following budget priorities to the Lansing City Council for consideration with Council's Budget Policies and Priorities for the Fiscal Year July 1, 2018 – June 30, 2019:~~

- ~~1. General Fund levels should be increased for implementation of the City's Street System Asset Management Plan, and for additional funding for reconstructing neighborhood streets with a Pavement Surface Evaluation Rating of 4 or lower;~~
- ~~2. Continued implementation of the recommendations in the City's Complete Streets Ordinance, and funding of the sidewalk gap closure program, sidewalk repairs and right-of-way maintenance and improvement, consistent with keeping safety a priority;~~
- ~~3. Increase funding to update and improve the fleet of city vehicles, with specific priority for the Public Service Department;~~

4. Continued support for maintaining, keeping current and updating of the City's Cityworks Asset Management Software, consistent with legal requirements and improved efficiencies, along with other financial considerations;
5. The City should approve a budget to: (i) expand opportunities for multi-family residential and business recycling; and (ii) implement organic waste recovery;
6. Explore the establishment of a Material Recovery Facility (MRF) for the recovery of recyclable commodities; and
7. The Department's efforts to secure approval for the implementation of the Wet Weather Program, submitted to the Michigan Department of Environmental Quality in 2011.

RESOLVED, as the Department generates savings through improved efficiencies in service delivery and other areas, these savings should be maintained within the Department.

ORDINANCE NO. 2019-02

An ordinance amending Chapter 14 of the City of Jackson, Michigan Code of Ordinances, to provide safe replacement housing for tenants displaced from their homes as a result of the dwelling being declared unfit for human habitation by the Chief Building Official pursuant to Section 14-47 of the Code.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this Ordinance to create a provision establishing property owner obligations with respect to tenants displaced from dwellings that have been vacated by Chief Building Official due to violations of Chapter 14 of the Jackson Code of Ordinances.

Section 2. That Chapter 14 be amended to add an article providing for relocation assistance for displaced tenants as follows:

Article VII – RELOCATION ASSISTANCE FOR DISPLACED TENANTS

Sec. 14-500 – Title.

This article shall be known as the “Relocation Assistance for Displaced Tenants Ordinance.”

Sec. 14-501 – Findings and Purpose.

The city council finds that tenants who are required to vacate structures rented for residential purposes due to a Notice to Vacate issued pursuant to Chapter 14, Article II, Division 2, often encounter difficulty in finding suitable or affordable, temporary or replacement housing due to the short notice necessitated by the Notice to Vacate. Such difficulties create a financial hardship for said tenants and may result in homelessness. The city council also finds that those property owners who do not properly maintain non-owner occupied residential properties and who allow said dwellings to become unsafe or hazardous should bear responsibility for the hardships their actions create for their tenants. Additionally, the city will often spend time and resources assisting tenants displaced by a Notice to Vacate. These costs and expenses are not reimbursed by the property owner. Therefore, the city council finds and declares it necessary to enact this chapter to protect the public health, safety and welfare and to permit the city to seek reimbursement for the costs and expenses incurred. Nothing herein shall limit or preclude other remedies available to tenants under Michigan law.

Sec. 14-502 – Definitions.

Unless the context indicates otherwise, the following words used in this article shall have these meanings:

Landlord means an owner, lessor or sublessor or any other person entitled to receive rent for the use and occupancy of any rental unit, or the agent, representative, predecessor or successor of any of the foregoing.

Lease means an agreement, whether oral or written, or implied, between a landlord and a tenant for use or occupancy of a rental unit and for housing services.

Property means all rental units on a parcel or lot or contiguous parcels or contiguous lots under common ownership.

Relocation assistance means a relocation payment and the right of first refusal to reoccupy a residential structure.

Relocation payment means:

- (1) The payment of one month's fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents, or one month of the tenant's actual rent at the time of relocation, or total rent due for one month to the landlord under Section 8 of the Housing Act of 1937, whichever is greater, for a maximum of three months' rent payments, paid in monthly installments as is necessary, or other arrangements of equal benefit which are agreeable to the tenant as evidenced by a written agreement between the tenant and the property owner. Such agreement shall at a minimum contain each of the following components:
 - (a) The names of the current occupants of the rental unit being vacated, and an indication of who is considered the head of the household therein;
 - (b) The address and the number of the unit from which the tenant is being displaced;
 - (c) A statement indicating the amount of relocation payment to which the tenant is entitled, according to the most current Federal Department of Housing and Urban Development schedule of fair market rent for the size of the subject unit;
 - (d) A statement that the tenant has waived the right to such relocation payment, and describing what, if any, alternative arrangements of equal benefit the landlord has agreed to provide the tenant, which is acceptable to the tenant in lieu of relocation payment; and
 - (e) The address, if known, of the location to which the tenant plans to move.
- (2) A relocation payment shall be a separate requirement and obligation in addition to the refund of any security deposit pursuant to Michigan law.
- (3) The relocation payment must include the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00.
- (4) A relocation payment shall also include an additional amount consisting of any administrative costs incurred by the city including but not limited to, the hourly rate of any city employees that took any action in connection with assisting a tenant under this article, any inspection fees incurred pursuant to Sec. 14-43 for the property plus the costs incurred by the city related to the issuance of the notice to vacate of the rental unit.

Rental unit means any building, structure or part thereof, and land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes together with

all housing services connected with use or occupancy of such property, such as common areas and recreational facilities held out for use by the tenant.

Right of first refusal means the right of a tenant to reoccupy a residential structure on the site formerly occupied by said tenant, once the residential structure is repaired and becomes habitable, or once housing is redeveloped on the site.

Tenant means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a lease to the use or occupancy of any rental unit.

Sec. 14-503 – Relocation Assistance Requirements.

- (1) Relocation Payment Due. A landlord of a rental unit rented pursuant to a lease shall provide to the tenant a relocation payment as defined in Sec. 14-502 as follows unless one of the exceptions described in Sec. 15-504 applies: within one week of the notice to vacate or prior to the time the tenant vacates the unit, whichever occurs first, for any order requiring a tenant to vacate any rental unit due to unsafe or hazardous living conditions or due to illegal use of the structure as a residence.
- (2) Proof of Compliance. In order to provide proof of compliance by the landlord with the relocation payment requirements of this code, the landlord shall make the payment to the city, at the Department of Neighborhood and Economic Operations; or a copy of the written agreement executed by the landlord and the tenant providing for and describing alternative arrangements shall be provided to the Chief Building Official and the director of the Department of Neighborhood and Economic Operations within five days of the date that the unit is vacated by the tenant. The landlord may make the rental payment directly to the owner of the alternative rental unit but must provide proof of such payment to the director of the Department of Neighborhood and Economic Operations.
- (3) Action by the City. The city will make reasonable efforts to locate suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit whether or not the landlord has provided the relocation payment, and which is acceptable to the tenant. The alternative rental unit shall be in a condition acceptable to the Chief Building Official and satisfy the minimum room requirements contained in Section R304 of the Michigan Residential Code. Upon the request of the city, the landlord is required to provide the following information: the address of each rental unit being displaced, the number of bedrooms and bathrooms of each unit, the names of the tenant(s) and the other members occupying the rental unit and the amount of the monthly payments due under the lease and the length of the rental term. The city will locate temporary housing and pay the first five days' worth of rental for a suitable alternative rental unit and such payment shall be reimbursed by the landlord within ten days after issuance of an invoice by the city to the landlord. After the first five days after the vacating of the unit, the landlord shall be responsible for locating a suitable alternative rental unit of the same or similar type, size and location as the vacated unit.
- (4) Right of First Refusal. Any tenant evicted or required to vacate any rental unit pursuant to the provisions of this chapter shall be given the right of first refusal to reoccupy a rental unit on the site once said property becomes habitable, or once housing is redeveloped on the site.

- (a) The landlord shall, at the time the tenant vacates, provide written notice advising the tenant of the right of first refusal. Said notice shall include a current address and telephone number which can be used by the tenant to contact the owner.
- (b) It shall be the tenant's responsibility to provide the landlord with contact information consisting of the tenant's current address and/or telephone number to be used for future notification, and to provide updated contact information to the owner upon change of said information.
- (c) Thereafter, when the rental unit, or a redeveloped structure on the property, becomes habitable, the landlord shall give written notice to the tenant advising said tenant that the structure is ready for occupancy. Said written notice shall be made by certified mail, return receipt requested. Proof of compliance under this subsection must be provided by the landlord to the Director of Neighborhood and Economics Operations.
- (d) If the landlord cannot locate a previous tenant after two attempts over a period of two weeks, the landlord shall be deemed to have complied with the right of first refusal provision of this chapter, and the tenant's right of first refusal shall thereafter be forfeited. The landlord must provide notice to the Neighborhood and Economics Operations in the event that it is the landlord's determination that the tenant's right of first refusal has been forfeited.

Sec. 14-504 – Exceptions.

- (1) Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, who refused to vacate after the provision of the relocation payment is made, or who the Chief Building Official has determined has caused or substantially contributed to the condition(s) giving rise to the abatement or whose guest or invitee has caused or substantially contributed to the condition(s) giving rise to the abatement, shall not be entitled to receive relocation assistance from the landlord.
- (2) Landlords are not required to provide relocation assistance to any tenant evicted or required to vacate a rental unit that becomes unsafe or hazardous as a result of a natural disaster, fire, flood, or civil disturbance.
- (3) The Chief Building Official or his or her designee may make a determination as to whether any of the exceptions provided in subsections (1) or (2) are applicable and the Director of Neighborhood and Economic Operations may waive the landlord's obligations as to the specific tenant only for good cause shown.
- (4) If the landlord has already provided a suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit to the tenant, and such replacement unit was accepted by the tenant as evidenced by a written agreement described in this article, and the landlord has agreed to pay the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00, the relocation payment shall no longer be required.
- (5) Landlords are not required to provide relocation assistance to any tenant who has been served with an order of eviction requiring the tenant to move from the rental unit.

- (6) Landlords are not required to provide relocation assistance to a tenant if the tenant and the landlord have entered into a consent judgment filed with the Court requiring the tenant to move from the rental unit.

Sec. 14-505 – No Waiver Permitted.

No landlord shall attempt to secure from a tenant any waiver of any provision of this Article. Any agreement, whether written or oral, whereby any provision of this Article is waived, is against public policy and is void. No person shall intentionally secure a waiver of any of the provisions, rights or benefits of this ordinance from a tenant by false pretenses or fraud. A violation of this section shall be punishable against the landlord as a misdemeanor.

Sec. 14-506 – Violation and Penalty.

Any violation of this Article, other than Sec. 14-505, is subject to the remedies and penalties provided in Chapter 2.5 of this Code and an administrative civil penalty of up to \$1,000.00 per day may be assessed for each day during which a landlord fails to provide relocation assistance required by Sec. 14-503 following issuance of a written order or notice of violation by the city, in addition to the hourly rate of any city employees that took any action in connection with the property under this article, plus the city's reasonable attorney's fees and court costs. Nothing herein shall limit the right of a tenant to enforce the obligations provided herein by civil action or by any other legal remedy which may be available to said tenant.

Sec. 14-507 – Severability.

If any provision of this article is determined to be unenforceable by a court, the remainder of this article shall be deemed severable and is to remain in full force and effect.

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.