

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

28 (Ord. No. 1217, § 1, 9-7-17)

29 1300.02. - Definitions, interpretation and conflicts.

30 For the purposes of this chapter:

31 (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as
32 amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq.
33 (MMFLA), AS AMENDED, THE MARIHUANA TRACKING ACT ("MTA"), MCL 333.27901, ET.
34 SEQ., THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA"),
35 MCL 333.27951, ET. SEQ., shall have the definition given in those acts; ~~as amended, and the~~
36 ~~Marihuana Tracking Act ("MTA"), MCL 333.27901, et seq.~~ if the definition of a word or phrase
37 set forth in this eChapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term
38 is not defined but is defined in the MMMA, MMFLA or MTA, OR MRTMA then the definition in
39 the MMMA, MMFLA, or MTA, OR MRTMA shall apply.

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

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44 and the immunities and protections established in the MMMA AND MRTMA unless superseded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

46 (d) All activities related to medical marihuana, including those related to a ~~Medical~~ ~~Marihuana~~
47 ~~Provisioning~~ eCenter, a ~~Medical~~ ~~Marihuana~~ gGrower fFacility, a ~~Medical~~ ~~Marihuana~~

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

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

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

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

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

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

72 *Buffered Use* means a use subject to the buffering and dispersion requirements of Sections
73 1300.13(a)10 and 1300.13(d)11.

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

85 *Chapter* means this Chapter 1300.

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

90 *City* means the City of Lansing, Michigan.

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

92 *Clerk* shall mean the City Clerk of Lansing, Michigan.

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

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

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

103 ~~*License or medical marihuana business license*~~ means a license issued for the operation of a
104 medical marihuana FACILITY OR MARIHUANA establishment pursuant to the terms and
105 conditions of this eChapter and includes a license which has been renewed pursuant to Section
106 1300.07.

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

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

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

114 ~~Marihuana does not include:~~

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

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

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

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

120 ~~(5) Industrial hemp grown or cultivated or both for research, purposes under the Industrial~~
121 ~~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.~~

147 ~~Medical marihuana establishment(s), or establishment, means any facility, establishment and/or~~
148 ~~center that is required to be licensed under this chapter and possesses a license or approval to~~
149 ~~operate under the MMFLA, including: a medical marihuana provisioning center, a medical~~
150 ~~marihuana grower facility; a medical marihuana processor facility; a medical marihuana secure~~
151 ~~transporter; and a medical marihuana safety compliance facility.~~

152 ~~Medical mMarihuana gGrower facility,~~ means a LICENSEE THAT IS A commercial or business
153 entity located in the City that is licensed or approved to operate by the State pursuant to the
154 MMFLA OR MRTMA and is licensed by the City pursuant to terms and conditions of this
155 eChapter that cultivates, dries, trims or cures and packages marihuana in accordance with State
156 law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

220 *Ordinance* means the ordinance adopting this Chapter 1300.

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

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

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

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

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

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

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

246 ~~*Secure transporter or medical marijuana secure transporter* means a commercial or
 247 business entity that is licensed or approved to operate by the State pursuant to the MMFLA and
 248 is licensed to operate by the City pursuant to the terms and conditions of this chapter, that~~

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

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

255 *State* means the State of Michigan.

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

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

261 (Ord. No. 1217, § 1, 9-7-17)

262 ~~1300.03. – Establishment of the Medical Marihuana Commission; membership; chairperson; meetings.~~

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

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

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

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

- 273 ~~(3) Each member shall be a resident of the City.~~
- 274 ~~(c) The chairperson of the Commission shall be elected annually by a majority vote of the members of~~
275 ~~the Commission. The Commission may meet at such times as the Commission may determine or as~~
276 ~~otherwise required in this chapter. The Commission shall adopt and file its own rules of procedure in~~
277 ~~accordance with the procedures set forth in Section 5-105 of the City Charter. The Commission shall~~
278 ~~maintain a written record of its proceedings and actions which shall be available for public inspection,~~
279 ~~showing the action of the Commission and the vote of each member upon each question considered.~~
280 ~~All meetings of the Commission shall be held in conformance with the Michigan Open Meetings Act,~~
281 ~~1976 PA 267, MCL 15.261 et seq. The physical presence of three members shall constitute a~~
282 ~~quorum for Commission meetings. A majority vote of members physically present at a duly convened~~
283 ~~meeting of the Commission, a quorum being present, shall be necessary for any action. Electronic or~~
284 ~~telephonic presence shall not constitute physical presence; nor shall any such means be utilized for~~
285 ~~voting or decision making purposes.~~
- 286 ~~(d) No voting member of the Commission shall hold any other public office or public employment in any~~
287 ~~local unit of government supported by City property taxes in whole or in part. No member of the~~
288 ~~Commission shall have any direct financial interest in a medical marihuana establishment.~~
- 289 ~~(e) The Commission shall review and decide all appeals that are forwarded to it by the City Clerk under~~
290 ~~this chapter. The Commission's review of an appeal shall not be de novo. The Commission shall only~~
291 ~~overturn, or modify, a decision or finding of the Clerk if it finds such decision or finding to be arbitrary~~
292 ~~or capricious and not supported by material, substantial, and competent facts on the whole record~~
293 ~~considered by the Clerk in arriving at such decision or finding.~~
- 294 ~~(f) The Commission may propose changes to this chapter to the City Council and may recommend~~
295 ~~rules and regulations related to this chapter for Council approval.~~
- 296 ~~(g) The Chief of Police (or a designee), the Chief of the Fire Department (or a designee) and the~~
297 ~~Director of Planning and Neighborhood Development (or a designee) shall serve and advise the~~
298 ~~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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

381 ~~and~~

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

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

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

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

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

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

400 (945) VERIFY COMPLIANCE WITH STATE-MANDATED SECURITY MEASURES AS OUTLINED
401 IN EMERGENCY RULE 35 OF THE DEPARTMENT OF LICENSING AND REGULATORY
402 AFFAIRS: ADULT-USE MARIHUANA ESTABLISHMENTS EMERGENCY RULES OF JULY 3,
403 2019, AS MAY BE UPDATED OR AMENDED FROM TIME TO TIME.

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

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

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

416 (1247) A location area map, as measured pursuant to Section 1300.43(d)10, of the MARIHUANA
417 OPERATION ~~medical marihuana establishment~~ and surrounding area that identifies the relative
418 locations and the distances, as measured pursuant to Section 1300.4310(d), to the buffered
419 uses set forth in Section 1300.4310(a), AND NOTING ANY RESIDENTIALLY-ZONED
420 PROPERTY WITHIN ¼ MILE OF THE MARIHUANA OPERATION.

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

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

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

428 (1324) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the
429 City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any
430 property taxes, special assessments, fines, fee or other financial obligation to the City.

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

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

436 (1424) A signed acknowledgment that the applicant is aware and understands that all matters
437 related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance,
438 transporting, distribution, and use are currently subject to State and Federal laws, rules, and
439 regulations, and that the approval or granting of a license hereunder does not exonerate or
440 exculpate the applicant from abiding by the provisions and requirements and penalties
441 associated with those laws, rules and regulations or exposure to any penalties associated
442 therewith; and further the applicant waives and forever releases any claim, demand, action,
443 legal redress, or recourse against the City, its elected and appointed officials and its employees
444 and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees
445 the applicant may occur as a result of the violation by applicant, its officials, members, partners,
446 shareholders, employees and agent of those laws, rules, and regulations and hereby waives,
447 and assumes the risk of, any such claims and damages, and lack of recourse against the City,
448 its elected and appointed officials, employees, attorneys, and agents.

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

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

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

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

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

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

464 (1526) Proof of an insurance policy covering EACH LICENSE ~~the establishment~~ and naming the
465 City, its elected and appointed officials, employees, and agents, as additional insured parties,
466 available for the payment of any damages arising out of an act or omission of the applicant or its
467 stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00
468 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least
469 \$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The
470 insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of
471 B+, consistent with State law. The policy shall provide that the City shall be notified by the
472 insurance carrier 30 days in advance of any cancellation. THE INSURER MUST BE LICENSED
473 IN THE STATE OF MICHIGAN.

474 (1627) a.i. Proof of a surety bond in the amount of \$50,000 with the City listed as the obligee to
475 guarantee performance by applicant of the terms, conditions and obligations of this
476 Chapter in a manner and surety approved by the City Attorney; or, in the alternative,

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

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

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

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

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

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

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

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

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

499 ~~(2228)~~ Any other information REQUESTED BY THE CITY CLERK TO ASSIST IN THE REVIEW OF
500 THE APPLICATION. ~~which may be required by Commission rule or City Council ordinance from~~
501 ~~time to time.~~ FAILURE TO PROVIDE REQUIRED OR REQUESTED INFORMATION MAY

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

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

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

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

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

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

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

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

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

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

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

533 (Ord. No. 1217, § 1, 9-7-17)

534 1300.056. - License application evaluation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

635 (Ord. No. 1217, § 1, 9-7-17)

636 1300.06. – LIMITS ON LICENSES AND LOCATIONS.

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

642 (1) THE MAXIMUM NUMBER OF LOCATIONS FOR BOTH MEDICAL MARIHUANA
643 PROVISIONING CENTERS AND MARIHUANA RETAILERS SHALL BE CAPPED AT 28. A
644 SINGLE LOCATION MAY SERVE AS BOTH A MEDICAL MARIHUANA PROVISIONING
645 CENTER AND A MARIHUANA RETAILER.

646 (2) THE MAXIMUM NUMBER OF LOCATIONS FOR MARIHUANA MICROBUSINESSES SHALL
647 BE CAPPED AT 1 LOCATION PER WARD, AS DEFINED.

648 (3) THE MAXIMUM NUMBER OF LOCATIONS FOR A DESIGNATED CONSUMPTION
649 ESTABLISHMENTS SHALL BE CAPPED AT 1 LOCATION PER WARD, AS DEFINED.

650 (4) UPON THE EFFECTIVE DATE OF THIS ORDINANCE THE MAXIMUM NUMBER OF
651 LOCATIONS FOR MEDICAL MARIHUANA GROWS AND MARIHUANA GROWS SHALL BE
652 CAPPED AT 75 LOCATIONS OR THE NUMBER OF LOCATIONS BASED UPON LICENSES
653 AWARDED AND APPLICATIONS PENDING WITH THE CITY CLERK AS OF THE EFFECTIVE
654 DATE OF THIS ORDINANCE, WHICHEVER IS HIGHER. A SINGLE LOCATION MAY SERVE
655 AS BOTH A MEDICAL MARIHUANA GROW AND MARIHUANA GROW. BEGINNING
656 JANUARY 1, 2021, AS LICENSES ARE DENIED OR ISSUED LICENSES ARE NOT

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

659 1300.07. - License renewal application.

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

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

664 (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of
665 \$5,000.00. ~~which half will be returned should the license not be renewed.~~ The renewal fee is
666 established to defray the costs of the administration AND ENFORCEMENT of this eChapter
667 EXPENDED BY THE CITY CLERK'S OFFICE, POLICE DEPARTMENT, CITY ATTORNEY'S
668 OFFICE, TREASURY, BUILDING SAFETY OFFICE, ZONING ADMINISTRATOR, AND OTHER
669 RELEVANT CITY DEPARTMENTS.

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

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

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

678 ~~(2).~~ii. The Zoning Administrator has confirmed that the location complies with the Zoning Code and
679 this eChapter, ~~at the time a license is granted, including any variances granted under Section~~
680 ~~1300.18.~~

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

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

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

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

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

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

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

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

706 (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.

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

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

739 (Ord. No. 1217, § 1, 9-7-17)

740 1300.09. - Minimum operational standards of a MARIHUANA OPERATION ~~medical marihuana~~
741 ~~provisioning center.~~

742 Except as may be preempted by state law or regulation:

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

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

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

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

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

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

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

768 ~~(h) Reserved.~~

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

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

776 ~~(k) Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition~~
777 ~~by any person who may not lawfully possess it and otherwise in conformance with State law.~~

778 ~~(l) All medical marihuana delivered to a patient shall be packaged and labeled as provided by~~
779 ~~State law and this chapter. The label shall include:~~

780 ~~(1) A unique alphanumeric identifier for the person to whom it is being delivered.~~

781 ~~(2) A unique alphanumeric identifier for the cultivation source of the marihuana.~~

- 782 ~~(3) That the package contains marihuana.~~
- 783 ~~(4) The date of delivery, weight, type of marihuana and dollar amount or other consideration~~
784 ~~being exchanged in the transaction.~~
- 785 ~~(5) A certification that all marihuana in any form contained in the package was cultivated,~~
786 ~~manufactured, and packaged in the state of Michigan.~~
- 787 ~~(6) The warning that "this product is manufactured without any regulatory oversight for health,~~
788 ~~safety or efficacy. There may be health risks associated with the ingestion or use of this~~
789 ~~product. Using this product may cause drowsiness. Do not drive or operate heavy~~
790 ~~machinery while using this product. Keep this product out of reach of children. This product~~
791 ~~may not be used in any way that does not comply with State law or by person who does~~
792 ~~not possess a valid medical marihuana patient registry card."~~
- 793 ~~(7) The name, address, email address, and telephone number of an authorized~~
794 ~~representative of the dispensary whom a patient can contact with any questions regarding~~
795 ~~the product.~~
- 796 ~~(m) A licensee shall require all registered patients present both their Michigan medical marihuana~~
797 ~~patient/caregiver ID card and State identification prior to entering restricted/limited areas or non-~~
798 ~~public areas of the medical marihuana provisioning center, and if no restricted/limited area is~~
799 ~~required, then promptly upon entering the medical marihuana provisioning center.~~
- 800 (nf) The premises shall be open for inspection during the stated hours of operation and as such
801 other times as anyone is present on the premises. REFUSAL TO PERMIT INSPECTION MAY
802 RESULT IN REVOCATION OR SUSPENSION OF LICENSURE.
- 803 (eg) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or
804 State law.
- 805 (ph) NO OTHER ACCESSORY USES ARE PERMITTED WITHIN THE SAME ESTABLISHMENT
806 OR FACILITY UNLESS EXPRESSLY PERMITTED BY STATE OR LOCAL LAW. ~~It shall be~~

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

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

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

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

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

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

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

830 (Ord. No. 1217, § 1, 9-7-17)

831 ~~1300.10. Minimum operational standards of a medical marihuana grower facility.~~

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

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

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

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

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

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

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

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

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

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

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

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

867 ~~i. Maintaining adequate personal cleanliness;~~

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

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

873 ~~(12) Litter and waste shall be properly removed and the operating systems for waste disposal are~~
874 ~~maintained in an adequate manner so that they do not constitute a source of contamination in~~
875 ~~areas where medical marihuana is exposed.~~

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

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

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

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

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

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

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

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

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

895 (Ord. No. 1217, § 1, 9-7-17)

896 ~~1300.11. Minimum operational standards of a medical marihuana safety compliance facility.~~

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

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

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

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

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

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

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

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

918 ~~(8) Litter and waste shall be properly removed and the operating systems for waste disposal are~~
919 ~~maintained in an adequate manner so that they do not constitute a source of contamination in~~
920 ~~areas where medical marihuana is exposed.~~

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

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

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

926 ~~(b) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance~~
927 ~~facility shall be prohibited.~~

928 (Ord. No. 1217, § 1, 9-7-17)

929 ~~1300.12. Minimum operational standards of a medical marihuana processor facility and a medical~~
930 ~~marihuana secure transporter.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

967 ~~i. Maintaining adequate personal cleanliness;~~

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

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

973 ~~(13) Litter and waste shall be properly removed and the operating systems for waste disposal are~~
974 ~~maintained in an adequate manner so that they do not constitute a source of contamination in~~
975 ~~areas where medical marihuana is exposed.~~

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

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

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

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

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

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

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

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

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

995 ~~(22) The processor shall pay for and complete an annual audit using an accredited third party~~
996 ~~auditor recognized under whatever food safety system the processor is accredited under. A~~
997 ~~copy of the audit report shall be provided to the City by the auditor within ten days of the audit~~
998 ~~completion. In the event there are deficiencies identified by the auditor, the processor shall~~
999 ~~submit to the City a correction action plan to address the deficiencies. All deficiencies shall be~~
1000 ~~addressed within 30 days of submittal of the initial deficiency report.~~

1001 ~~(b) In furtherance of the public health, safety, and welfare, exterior signage or advertising identifying the~~
1002 ~~facility as a medical marihuana processor facility and/or medical marihuana secure transporter~~
1003 ~~facility shall be prohibited.~~

1004 (Ord. No. 1217, § 1, 9-7-17)

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

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

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

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

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

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

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

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

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

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

1041 (Ord. No. 1217, § 1, 9-7-17)

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

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

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

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

1055 (ed) No MARIJUANA OPERATION ~~medical marijuana establishment~~ shall be located in an unzoned
1056 area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

1057 ~~(d) Except as otherwise permissible under the City Charter at Section 8-501, no person shall allow the~~
1058 ~~consumption of marijuana or marijuana infused products on licensed premises.~~

1059 (Ord. No. 1217, § 1, 9-7-17)

1060 1300.1512. – APPLICATION DENIAL OR License revocation; bases for revocation; appeal of license denial
1061 OR REVOCATION.

1062 (a) Any license issued under this eChapter may be revoked by the City Clerk after an administrative
1063 hearing if the City Clerk finds and determines that grounds for revocation exist. Any grounds for
1064 revocation must be provided to the licensee at least ten days prior to the date of the hearing by first
1065 class mail to the address given on the license application or any address provided to the City Clerk in
1066 writing subsequent to the filing of an application.

1067 (b) A license applied for or issued under this eChapter may be denied or revoked, INCLUDING BUT
1068 NOT LIMITED TO ANY of the following bases:

1069 (1) A material violation of any provision of this eChapter, including, but not limited to, the failure to
1070 provide the information required by THIS ORDINANCE, OR, A MATERIAL VIOLATION OF THE
1071 MMFLA, MRTMA, OR THE CORRESPONDING RULES PROMULGATED BY THE MRA
1072 ~~Subsection 1300.16(a);~~ or

1073 (2) Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an
1074 ownership interest in the license; or

1075 (3) Commission of fraud or misrepresentation or the making of a false statement by the applicant,
1076 licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which
1077 this eChapter requires a license; or

1078 (4) Failure to obtain or maintain a license or renewed license from the City Clerk pursuant to this
1079 eChapter; or

1080 (5) Failure of the licensee or the medical marihuana establishment to obtain or maintain a license
1081 or approval from the State pursuant to the MMFLA OR MRTMA; or

1082 (6) The medical marihuana establishment is determined by the City to have become a public
1083 nuisance or otherwise is operating in a manner detrimental to the public health, safety or
1084 welfare.

1085 (7) CULTIVATION, PROCESSING, SALE, OR DISPLAY OF MARIHUANA OR MARIHUANA ACCESSORIES
1086 THAT ARE VISIBLE FROM A PUBLIC PLACE.

1087 (c) Appeal of denial of an application or revocation of a license: the City Clerk shall notify an applicant
1088 of the reason(s) for denial of an application for a license or license renewal or for revocation of a
1089 license or any adverse decision under this chapter and provide the applicant with the opportunity to
1090 REQUEST RECONSIDERATION ~~be heard~~. AN APPEAL OF DENIAL OF APPLICATION FOR
1091 LICENSURE SHALL BE A PAPER HEARING. Any applicant aggrieved by the denial or revocation of
1092 a license or adverse decision under this eChapter may appeal to the City Clerk. ~~who shall appoint a~~
1093 ~~hearing officer to hear and evaluate the appeal and make a recommendation to the Clerk.~~ Such
1094 appeal shall be taken by filing with the City Clerk, within 7 ~~14~~ days after notice of the action
1095 complained of has been mailed to the applicant's last known address on the records of the City
1096 Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall review the
1097 APPEAL ~~report and recommendation of the hearing officer~~ and make a decision on the matter. ~~The~~
1098 ~~Clerk's decision may be further appealed to the commission if applied for in writing to the~~
1099 ~~commission no later than 30 days from the Clerk's decision. The review on appeal of a denial or~~
1100 ~~revocation or adverse action shall be by the commission pursuant to Section 1300.03.~~ Any decision
1101 by the CITY CLERK ~~commission on an appeal~~ shall be final for purposes of judicial review. The
1102 Clerk may engage professional experts to assist with the proceedings under this Section 1300.4505.

1103 (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.

- 1129 (e) If the Clerk temporarily suspends a license without a prior hearing, the licensee is entitled to a
1130 hearing within 30 days after the suspension notice has been served on the licensee or posted on the
1131 licensed premises. In the case of a license issued for a ~~medical m~~Marihuana ~~g~~Grower facility, the
1132 hearing shall be held within seven days after the notice has been served on the licensee or posted
1133 on the premises of the licensed facility. The hearing shall be limited to the issues cited in the
1134 suspension notice.
- 1135 (f) If the Clerk does not hold a hearing within 30 days after the date the suspension was served on the
1136 licensee or posted on the licensed premises, or in the case of a MARIHUANA ~~g~~Grower facility seven
1137 days, then the suspended license shall be automatically reinstated and the suspension vacated.
- 1138 (g) The penalty provisions of this ~~e~~Chapter are not intended to foreclose any other remedy or sanction
1139 that might be available to, or imposed by the City, including criminal prosecution.

1140 (Ord. No. 1217, § 1, 9-7-17)

1141 1300.14. – CONSUMPTION IN A PUBLIC PLACE.

1142 CONSUMPTION OF MARIHUANA IN ANY PUBLIC PLACE WITHIN THE CITY OF LANSING IS
1143 PROHIBITED EXCEPT AS PROVIDED BY STATE LAW. ~~IN AREAS SPECIFICALLY DESIGNATED~~
1144 ~~FOR MARIHUANA CONSUMPTION THAT ARE NOT ACCESSIBLE TO PERSONS UNDER 21~~
1145 ~~YEARS OF AGE AND HAVE BEEN AUTHORIZED THROUGH DIRECTIVE OR ORDER ADOPTED~~
1146 ~~BY THE MAYOR.~~

1147 1300.15. – DESIGNATED CONSUMPTION ESTABLISHMENTS

- 1148 (a) ANY COMMERCIAL SPACE THAT LEGALLY PERMITS THE USE OF MARIHUANA SHALL
1149 DESIGNATE A CONSUMPTION AREA ACCESSIBLE ONLY BY PERSONS 21 YEARS OF AGE OR
1150 OLDER, AND, SHALL OBTAIN AND MAINTAIN A LICENSE FROM THE STATE AND CITY. AN
1151 APPLICATION FOR LICENSURE SHALL BE AWARDED UPON SUBMISSION OF A COMPLETE
1152 APPLICATION CONTAINING THE DOCUMENTATION REQUIRED IN SECTIONS 1300.04(B)(1),
1153 (2), (3), (6), (8), (9), (10), (11), (12), (16), (17), (20), AND (21).

1154 (b) A DESIGNATED CONSUMPTION ESTABLISHMENT MUST COMPLY WITH ALL LAWS AND
1155 RULES PURSUANT TO THE MRTMA, INCLUDING BUT NOT LIMITED TO, A VENTILATION
1156 SYSTEM THAT DIRECTS AIR FROM THE MARIHUANA CONSUMPTION AREA TO THE OUTSIDE
1157 OF THE BUILDING THROUGH A FILTRATION SYSTEMS SUFFICIENT TO REMOVE VISIBLE
1158 SMOKE CONSISTENT WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES AND
1159 ADEQUATE TO ELIMINATE ODOR AT THE PROPERTY LINE. USE OF MARIHUANA AT A
1160 PRIVATE BUSINESS SHALL NOT VIOLATE CHAPTERS 622 (DRUGS) AND 664 (DISTURBING
1161 THE PEACE). THE SALE OF MARIHUANA IS LIMITED ONLY TO ESTABLISHMENTS LICENSED
1162 TO CONDUCT SALES OF MARIHUANA.

1163 (c) AN INITIAL LICENSE APPLICATION FEE OF \$5,000.00 IS REQUIRED. ~~IF AN APPLICATION IS~~
1164 ~~SUBMITTED WITH ANOTHER LICENSE TYPE THE LICENSE APPLICATION FEE SHALL BE~~
1165 ~~\$2,500.00.~~

1166 (d) AN APPLICATION FOR RENEWAL SHALL INCLUDE ANY UPDATED INFORMATION REQUIRED
1167 IN SECTION 1300.04 AS WELL AS ~~A RENEWAL FEE OF \$2,500.00.~~ A FEE SET BY RESOLUTION
1168 OF COUNCIL.

1169 1300.1716. - No vested rights.

1170 A property owner lessor, license applicant, or licensee shall not have vested rights or nonconforming
1171 use rights that would serve as a basis for failing to comply with this chapter or any amendment of this
1172 chapter.

1173 (Ord. No. 1217, § 1, 9-7-17)

1174 ~~1300.18. Zoning Board of Appeals.~~

1175 ~~(a) When applying for a license as a provisioning center, an applicant who does not meet the~~
1176 ~~requirements of Sections 1300.13(a)(1) or (2) may seek a variance from those requirements by~~
1177 ~~submitting with their application a written application to the Board of Zoning Appeals and paying a~~
1178 ~~fee set by Council resolution. Upon receiving an application with an accompanying application for a~~

1179 ~~variance, the City Clerk shall determine whether the applicant has submitted a complete application~~
1180 ~~meeting the requirements of this chapter, an appropriate nonrefundable license application fee, and~~
1181 ~~an appropriate variance application fee. If the applicant has satisfied these requirements and the~~
1182 ~~applicant has received written approvals required under this chapter, the City Clerk shall immediately~~
1183 ~~forward the application to the Board of Zoning Appeals.~~

1184 ~~(1) The application must identify all of the reasons the applicant does not meet the requirements of~~
1185 ~~Section 1300.13(a), including, if applicable, the name and address of any substance abuse~~
1186 ~~treatment, prevention, or rehabilitation facility; church or other structure used for religious~~
1187 ~~services; public park containing public playground equipment; or provisioning center that is~~
1188 ~~within 500 feet of the applicant's location.~~

1189 ~~(2) Upon receipt of an application meeting the requirements of Subsection (a), the Board shall give~~
1190 ~~notice to the occupants of any residential or commercial buildings within the buffered use~~
1191 ~~distances set forth in Section 1300.13(a) of the applicant's location. If the occupant's name is~~
1192 ~~not known, the term "occupant" may be used. The notices shall be delivered personally or by~~
1193 ~~mail at the address given in the last assessment roll.~~

1194 ~~(3) The Board of Zoning Appeals shall either grant or deny the variance within a reasonable time.~~
1195 ~~In determining whether to grant or deny the variance, the Board of Zoning Appeals shall~~
1196 ~~consider all of the following:~~

1197 ~~i. The amount of time, if any, that the applicant has been operating in compliance with this~~
1198 ~~chapter at the present location;~~

1199 ~~ii. The extent to which the applicant has demonstrated a commitment to the land use and~~
1200 ~~public nuisance concerns in the surrounding neighborhood;~~

1201 ~~iii. The distance between the applicant's location and any medical marijuana provisioning~~
1202 ~~center that is within 500 feet of the applicant's location;~~

1203 ~~iv. The need for a provisioning center at the location in order to provide the safe and efficient~~
1204 ~~access to medical marijuana 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. The adoption of this ordinance shall not be construed to affect any applications
1216 submitted or licenses for an approved location under any legislative provision prior to the effective date
1217 of this ordinance. Further, locations of licenses and applications for licensure that are prior to
1218 enactment of this ordinance are deemed to be pre-existing, non-conforming marihuana operations, and,
1219 shall be eligible for the comparable recreational license at the same location of the pre-existing, non-
1220 conforming marihuana operation.

1221 Section 5. This ordinance shall take effect on the 30th day after enactment by City Council and
1222 pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2028.

1223

1224 Approved as to form:

1225 _____

1226 City Attorney

1227 Dated: _____