

CITY OF LANSING, MICHIGAN
ORDINANCE NO. _____

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2
3
4 AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO REPLACE CHAPTER
5 1300 OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO
6 PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA
7 ESTABLISHMENTS; TO ESTABLISH THE MAXIMUM NUMBER OF
8 PROVISIONING CENTERS AND TO ESTABLISH PROCEDURES FOR THE
9 GRANTING OF LICENSES; TO ESTABLISH OPERATIONAL, LAND USE, AND
10 ZONING REQUIREMENTS, AND STANDARDS ATTENDANT THERETO; TO
11 PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF
12 LANSING AND ITS NEIGHBORHOODS; TO ESTABLISH ECONOMIC
13 DEVELOPMENT, JOB TRAINING, AND JOB CREATION PURPOSES; TO
14 ESTABLISH A MEDICAL MARIHUANA COMMISSION; TO PROVIDE AN APPEAL
15 PROCESS FOR LICENSE DENIAL OR REVOCATION; TO SET LICENSING FEES
16 FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE
17 IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THIS
18 CHAPTER; TO DECLARE CERTAIN ACTIVITIES IN THIS CHAPTER AS PUBLIC
19 NUISANCES; TO DECLARE THIS CHAPTER TO BE FOR A PUBLIC PURPOSE; AND
20 TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS CHAPTER.

21
22 **THE CITY OF LANSING ORDAINS:**

23
24 **SECTION ONE:** Chapter 1300 of the Lansing Code of Ordinances is hereby replaced in its
25 entirety to read as follows:

- 26
27 1300.1 Legislative Intent.
28 1300.2 Definitions, Interpretation and Conflicts.
29 1300.3 Establishment of the Medical Marihuana Commission; Membership; Chairperson;
30 Meetings.
31 1300.4 Operation without License Prohibited.
32 1300.5 License Application Submission.
33 1300.6 License Application Evaluation.
34 1300.7 License Renewal Application.
35 1300.8 Licenses Generally.
36 1300.9 Minimum Operational Standards of A Medical Marihuana Provisioning Center.
37 1300.10 Minimum Operational Standards of A Medical Marihuana Grower Facility.
38 1300.11 Minimum Operational Standards of A Medical Marihuana Safety Compliance
39 Facility.
40 1300.12 Minimum Operational Standards of A Medical Marihuana Processor Facility and
41 a Medical Marihuana Secure Transporter.
42 1300.13 Location of Medical Marihuana Provisioning Centers.
43 1300.14 Location of Medical Marihuana Safety Compliance Facilities, Medical Marihuana
44 Processor Facilities, Medical Marihuana Grower Facilities, and Medical
45 Marihuana Secure Transporters.
46 1300.15 Revocation; Bases for Revocation; Appeal of License Denial.

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- 1 1300.16 Penalties; Temporary Suspension of License
- 2 1300.17 No Vested Rights.
- 3 1300.18 Zoning Board of Appeals.
- 4 1300.19 Sunset.

5
6

7 **1300.1 –LEGISLATIVE INTENT.**

8

9 THE PURPOSE OF THIS CHAPTER IS TO EXERCISE THE POLICE, REGULATORY,
10 AND LAND USE POWERS OF THE CITY OF LANSING BY LICENSING AND
11 REGULATING MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL
12 MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA SAFETY COMPLIANCE
13 FACILITIES, MEDICAL MARIHUANA SECURE TRANSPORTERS, AND MEDICAL
14 MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER
15 STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT
16 THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY
17 OF LANSING; AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

18

19 THE CITY FINDS THAT THE ACTIVITIES DESCRIBED IN THIS CHAPTER ARE
20 SIGNIFICANTLY CONNECTED TO THE PUBLIC HEALTH, SAFETY, SECURITY, AND
21 WELFARE OF ITS CITIZENS AND IT IS THEREFORE NECESSARY TO REGULATE
22 AND ENFORCE SAFETY, SECURITY, FIRE, POLICE, HEALTH AND SANITATION
23 PRACTICES RELATED TO SUCH ACTIVITIES AND ALSO TO PROVIDE A METHOD TO
24 DEFRAID ADMINISTRATIVE COSTS INCURRED BY SUCH REGULATION AND
25 ENFORCEMENT.

26

27 THE CITY FURTHER FINDS AND DECLARES THAT ECONOMIC DEVELOPMENT,
28 INCLUDING JOB CREATION AND TRAINING, AND THE PROTECTION OF THE
29 PUBLIC HEALTH, SAFETY, AND WELFARE OF CITY NEIGHBORHOODS AND
30 RESIDENTS ARE PUBLIC PURPOSES.

31

32 EXCEPT AS MAY BE REQUIRED OR PERMITTED BY LAW OR REGULATION, IT IS
33 NOT THE INTENT OF THIS CHAPTER TO DIMINISH, ABROGATE, OR RESTRICT THE
34 PROTECTIONS FOR MEDICAL USE OF MARIHUANA FOUND IN THE MICHIGAN
35 MEDICAL MARIHUANA ACT, THE MEDICAL MARIHUANA FACILITIES
36 LICENSING ACT OR SECTION 8-501 OF THE LANSING CITY CHARTER.

37

38 **1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.**

39

40 FOR THE PURPOSES OF THIS CHAPTER:

41

42 (A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
43 333.26421 ET SEQ., AS AMENDED (“MMMA”), THE MEDICAL MARIHUANA
44 FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ. (MMFLA) SHALL HAVE
45 THE DEFINITION GIVEN IN THOSE ACTS, AS AMENDED, AND THE
46 MARIHUANA TRACKING ACT (“MTA”), MCL333.27901, ET SEQ. IF THE

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1 DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS CHAPTER CONFLICTS
2 WITH THE DEFINITION IN THE MMMA, MMFLA OR MTA, OR IF A TERM IS NOT
3 DEFINED BUT IS DEFINED IN THE MMMA, MMFLA OR MTA, THEN THE
4 DEFINITION IN THE MMMA, MMFLA, OR MTA SHALL APPLY.
5

6 (B) ANY TERM DEFINED BY 21 USC 860(E) REFERENCED IN THIS CHAPTER
7 SHALL HAVE THE DEFINITION GIVEN BY 21 USC 860(E).
8

9 (C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S
10 RIGHTS UNDER THE MMMA, MMFLA OR MTA AND THESE ACTS
11 SUPERSEDE THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN
12 THEM AND THE IMMUNITIES AND PROTECTIONS ESTABLISHED IN THE
13 MMMA UNLESS SUPERSEDED OR PREEMPTED BY THE MMFLA.
14

15 (D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE
16 RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL
17 MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA SECURE
18 TRANSPORTER, A MEDICAL MARIHUANA PROCESSOR OR A MEDICAL
19 MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE
20 WITH THE RULES OF THE MEDICAL MARIHUANA LICENSING BOARD, THE
21 RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY
22 AFFAIRS, OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF
23 THE CITY OF LANSING, THE MMMA, MMFLA AND THE MTA.
24

25 (E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR
26 PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE
27 DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL
28 MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER
29 BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS
30 CHAPTER SHALL BE DEEMED TO BE AN ILLEGALLY ESTABLISHED USE
31 AND THEREFORE NOT ENTITLED TO LEGAL NONCONFORMING STATUS
32 UNDER THE PROVISIONS OF THIS CHAPTER, AND/OR STATE LAW. THE CITY
33 FINDS AND DETERMINES THAT IT HAS NOT HERETOFORE AUTHORIZED OR
34 LICENSED THE EXISTENCE OF ANY MEDICAL MARIHUANA
35 ESTABLISHMENT, AS DEFINED HEREIN, IN THE CITY IN AND UNDER ANY
36 FORM WHATSOEVER.
37

38 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:
39

40 “APPLICATION” MEANS AN APPLICATION FOR A LICENSE PURSUANT TO THE
41 TERMS AND CONDITIONS SET FORTH IN SECTIONS 1300.5 AND 1300.6.
42

43 “APPLICATION FOR A LICENSE RENEWAL” MEANS AN APPLICATION FOR A
44 LICENSE RENEWAL PURSUANT TO THE TERMS AND CONDITIONS OF SECTION
45 1300.7.
46

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1 “BUFFERED USE” MEANS A USE SUBJECT TO THE BUFFERING AND
2 DISPERSION REQUIREMENTS OF SECTIONS 1300.13 (A) AND 1300.13 (D).
3

4 “BUILDING” MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A
5 ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND/OR USED FOR
6 SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A
7 STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY
8 DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH
9 PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE,
10 REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE
11 COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS.
12 THIS DEFINITION REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT
13 INCLUDE TENTS, SHEDS, GREENHOUSES AND PRIVATE GARAGES ON
14 RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A
15 BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT
16 NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS,
17 SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS
18 OR SIMILAR STRUCTURES.
19

20 “CHAPTER” MEANS THIS CHAPTER 1300.
21

22 “CHURCH” MEANS AN ENTIRE BUILDING SET APART PRIMARILY FOR
23 PURPOSES OF PUBLIC WORSHIP, AND WHICH IS TAX EXEMPT UNDER THE LAWS
24 OF THIS STATE, AND IN WHICH RELIGIOUS SERVICES ARE HELD, AND THE
25 ENTIRE BUILDING STRUCTURE OF WHICH IS KEPT FOR THAT USE AND NOT PUT
26 TO ANY OTHER USE INCONSISTENT WITH THAT USE.
27

28 “CITY” MEANS THE CITY OF LANSING, MICHIGAN.
29

30 “COUNCIL OR CITY COUNCIL,” MEANS THE CITY COUNCIL OF LANSING,
31 MICHIGAN.
32

33 “CLERK” SHALL MEAN THE CITY CLERK OF LANSING, MICHIGAN.
34

35 “CULTIVATION” OR “CULTIVATE” AS USED IN THIS CHAPTER MEANS: (1) ALL
36 PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST, AND DRYING
37 TRIMMING, AND CURING ; (2) PREPARING, PACKAGING OR REPACKAGING,
38 LABELING, OR RELABELING OF ANY FORM OF MARIHUANA.
39

40 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL
41 INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE
42 MMMA, MMFLA OR MTA.
43

44 “EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER
45 IN RETURN FOR THE PAYMENT OF DIRECT OR INDIRECT MONETARY WAGES OR
46 PROFIT, UNDER CONTRACT, AND ANY INDIVIDUAL WHO VOLUNTEERS HIS OR

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1 HER SERVICES TO AN EMPLOYER FOR NO MONETARY COMPENSATION, OR ANY
2 INDIVIDUAL WHO PERFORMS WORK OR RENDERS SERVICES, FOR ANY PERIOD
3 OF TIME, AT THE DIRECTION OF AN OWNER, LESSEE, OF OTHER PERSON IN
4 CHARGE OF A PLACE.

5
6 “LICENSE” OR “MEDICAL MARIHUANA BUSINESS LICENSE” MEANS A LICENSE
7 ISSUED FOR THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT
8 PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER AND INCLUDES A
9 LICENSE WHICH HAS BEEN RENEWED PURSUANT TO SECTION 1300.7.

10
11 “LICENSE APPLICATION” MEANS AN APPLICATION SUBMITTED FOR A
12 LICENSE PURSUANT TO THE REQUIREMENTS AND PROCEDURES SET FORTH IN
13 SECTIONS 1300.5 AND 1300.6.

14
15 “LICENSEE” MEANS A PERSON ISSUED A LICENSE FOR AN ESTABLISHMENT
16 PURSUANT TO THIS CHAPTER.

17
18 “MARIHUANA” MEANS ALL PARTS OF THE PLANT CANNABIS SATIVA L.,
19 GROWING OR NOT; THE SEEDS OF THE PLANT; THE RESIN EXTRACTED FROM
20 ANY PART OF THE PLANT; AND EVERY COMPOUND, MANUFACTURE, SALT,
21 DERIVATIVE, MIXTURE, OR PREPARATIONS OF THE PLANT OR ITS SEEDS OR
22 RESIN.

23 MARIHUANA DOES NOT INCLUDE:

- 24 1. THE MATURE STALKS OF THE PLANT;
- 25 2. FIBER PRODUCED FROM THE STALKS, OIL OR CAKE MADE FROM
26 THE SEEDS OF THE PLANT;
- 27 3. ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE,
28 MIXTURE, OR PREPARATION OF THE MATURE STALKS,
29 (EXCEPT THE RESIN EXTRACTED FROM THOSE STALKS, FIBER,
30 OIL OR CAKE); OR
- 31 4. ANY STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF
32 GERMINATION; OR
- 33 5. INDUSTRIAL HEMP GROWN OR CULTIVATED OR BOTH FOR
34 RESEARCH, PURPOSES UNDER THE INDUSTRIAL HEMP RESEARCH
35 ACT.

36
37 “MARIHUANA-INFUSED PRODUCT” MEANS A TOPICAL FORMULATION,
38 TINCTURE , BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING
39 ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A
40 MANNER OTHER THAN SMOKE INHALATION. MARIHUANA-INFUSED PRODUCT
41 SHALL NOT BE CONSIDERED A FOOD FOR PURPOSE OF THE FOOD LAW, 2000 PA
42 92, MCL 289.1101 TO 289.8111.

43
44 “MARIHUANA TRACKING ACT” OR “MTA” MEANS PUBLIC ACT 282 OF 2016
45 .M.C.L. 333.27901, ET. SEQ.

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

5
6 “MEDICAL MARIHUANA COMMISSION” OR “COMMISSION” MEANS THE
7 MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3
8 OF THIS CHAPTER.

9
10 “MEDICAL MARIHUANA FACILITIES LICENSING ACT” OR “MMFLA” MEANS
11 PUBLIC ACT 281 OF 2016, MCL 333.27101, ET. SEQ.

12
13 “MEDICAL MARIHUANA ESTABLISHMENT(S), OR, “ESTABLISHMENT,” MEANS
14 ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE
15 LICENSED UNDER THIS CHAPTER AND POSSESSES A LICENSE OR APPROVAL TO
16 OPERATE UNDER THE MMFLA, INCLUDING: A MEDICAL MARIHUANA
17 PROVISIONING CENTER, A MEDICAL MARIHUANA GROWER FACILITY; A
18 MEDICAL MARIHUANA PROCESSOR FACILITY; A MEDICAL MARIHUANA SECURE
19 TRANSPORTER; AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

20
21 “MEDICAL MARIHUANA GROWER FACILITY,” MEANS A COMMERCIAL OR
22 BUSINESS ENTITY LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO
23 OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE
24 CITY PURSUANT TO TERMS AND CONDITIONS OF THIS CHAPTER THAT
25 CULTIVATES, DRIES, TRIMS OR CURES AND PACKAGES MARIHUANA IN
26 ACCORDANCE WITH STATE LAW.

27
28 “MEDICAL MARIHUANA LICENSING BOARD” MEANS THE STATE BOARD
29 ESTABLISHED PURSUANT TO THE MMFLA.

30
31 “MEDICAL MARIHUANA PROVISIONING CENTER,” MEANS A COMMERCIAL OR
32 BUSINESS ENTITY LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO
33 OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE
34 CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT
35 SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING
36 PATIENTS ONLY AS PERMITTED BY STATE LAW. MEDICAL MARIHUANA
37 PROVISIONING CENTER, AS DEFINED IN THE MMMA, MMFLA AND MTA,
38 INCLUDES ANY COMMERCIAL PROPERTY OR BUSINESS WHERE MARIHUANA IS
39 SOLD IN CONFORMANCE WITH STATE LAW AND REGULATION. A
40 NONCOMMERCIAL OR NONBUSINESS LOCATION USED BY A PRIMARY
41 CAREGIVER TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE MMMA,
42 MMFLA OR MTA CONNECTED TO THE CAREGIVER THROUGH THE STATE’S
43 MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA,
44 MMFLA OR MTA IS NOT A MEDICAL MARIHUANA PROVISIONING CENTER FOR
45 PURPOSES OF THIS CHAPTER.

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1 “MMFLA” MEANS THE MEDICAL MARIHUANA FACILITIES LICENSING ACT,
2 MCL 333.2701, ET.SEQ. AS AMENDED FROM TIME TO TIME.

3
4 “MMMA” MEANS THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421
5 ET.SEQ AS AMENDED FROM TIME TO TIME.

6
7 “MTA” MEANS THE MARIHUANA TRACKING ACT, MCL 333.27901, ET. SEQ. AS
8 AMENDED FROM TIME TO TIME.

9
10 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

11
12 “PARK” MEANS AN AREA OF LAND DESIGNATED BY THE CITY AS A PARK ON
13 ITS MASTER PLAN OR ON A COUNCIL-APPROVED LIST OF CITY PARKS.

14
15 “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
16 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
17 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

18
19 “PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY” MEANS A
20 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT IS LICENSED OR APPROVED
21 TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE
22 CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER, THAT
23 EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A MARIHUANA-INFUSED
24 PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW.”

25
26 “PUBLIC PLAYGROUND EQUIPMENT” MEANS AN OUTDOOR FACILITY,
27 GROUPING, OR CONCENTRATION OPEN TO THE PUBLIC AND ON
28 PUBLIC PROPERTY AND CONTAINING THREE OR MORE APPARATUS,
29 INCLUDING, BUT NOT LIMITED TO, SLIDES, CLIMBERS, SEESAWS, AND
30 SWINGS, DESIGNED FOR THE RECREATIONAL USE OF CHILDREN AND
31 OWNED AND OPERATED BY A LOCAL UNIT OF GOVERNMENT, SCHOOL
32 DISTRICT, OR OTHER UNIT OR AGENCY OF GOVERNMENT.

33
34 “RESTRICTED/LIMITED ACCESS AREA” MEANS A BUILDING, ROOM OR OTHER
35 AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE
36 MMMA, THE MMFLA, THE MTA OR OTHER APPLICABLE STATE LAW.

37
38 “SAFETY COMPLIANCE FACILITY” OR “MEDICAL MARIHUANA SAFETY
39 COMPLIANCE FACILITY” MEANS A COMMERCIAL OR BUSINESS ENTITY LOCATED
40 IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE
41 PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO THE
42 TERMS AND CONDITIONS OF THIS CHAPTER, THAT RECEIVES MARIHUANA FROM
43 A MEDICAL MARIHUANA ESTABLISHMENT OR A REGISTERED QUALIFYING
44 PATIENT OR A REGISTERED PRIMARY CAREGIVER, TESTS IT FOR
45 CONTAMINANTS AND FOR TETRAHYDROCANNABINOL AND OTHER
46 CANNABINOIDS IN ACCORDANCE WITH STATE LAW.

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1 “SCHOOL” MEANS AND INCLUDES BUILDINGS USED FOR SCHOOL PURPOSES
2 TO PROVIDE INSTRUCTION TO CHILDREN AND YOUTH IN GRADES PRE-
3 KINDERGARTEN THROUGH 12, AND HEADSTART WHEN THAT INSTRUCTION IS
4 PROVIDED BY A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL.
5

6 “SECURE TRANSPORTER” OR “MEDICAL MARIHUANA SECURE TRANSPORTER”
7 MEANS A COMMERCIAL OR BUSINESS ENTITY THAT IS LICENSED OR APPROVED
8 TO OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED TO
9 OPERATE BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS
10 CHAPTER, THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN
11 MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE
12 LAW.
13

14 “STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE TRUSTEE AND
15 BENEFICIARIES; WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE
16 MANAGERS AND MEMBERS; WITH RESPECT TO A CORPORATION, WHETHER
17 PROFIT OR NON-PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS; AND
18 WITH RESPECT TO A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE
19 PARTNERS, BOTH GENERAL AND LIMITED.
20

21 “STATE” MEANS THE STATE OF MICHIGAN.
22

23 (G) ANY TERM DEFINED BY THE MMMA, THE MMFLA, OR THE MTA AND NOT
24 DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITION GIVEN IN THE MMMA,
25 MMFLA, OR MTA, AS APPLICABLE.

26 **1300.3 ESTABLISHMENT OF THE MEDICAL MARIHUANA COMMISSION;
27 MEMBERSHIP; CHAIRPERSON; MEETINGS**
28

29 (A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE
30 COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS, WHO SHALL BE
31 APPOINTED BY THE MAYOR WITH THE CONSENT OF CITY COUNCIL.
32 MEMBERS SHALL SERVE FOR TERMS OF OFFICE OF THREE (3) YEARS. FOR
33 THE INITIAL APPOINTMENTS TO THE COMMISSION, ONE MEMBER SHALL
34 SERVE FOR A TERM OF ONE (1) YEAR, TWO MEMBERS SHALL SERVE FOR A
35 TERM OF TWO (2) YEARS, AND TWO MEMBERS SHALL SERVE FOR A TERM
36 OF THREE YEARS.
37

38 (B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:
39

- 40 (1) FOUR (4) MEMBERS, ONE FROM EACH WARD OF THE CITY,
41 UPON BEING RECOMMENDED TO THE MAYOR BY THE
42 COUNCIL PERSON IN THAT WARD;
- 43 (2) ONE (1) AT LARGE MEMBER WHO IS A RESIDENT OF THE CITY.
44
- 45

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1 (3) EACH MEMBER SHALL BE A RESIDENT OF THE CITY.
2

3 (C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY
4 BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE
5 COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY
6 DETERMINE OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE
7 COMMISSION SHALL ADOPT ITS OWN RULES OF PROCEDURE, FILE SUCH
8 RULES WITH THE CITY CLERK, AND MAINTAIN A WRITTEN RECORD OF ITS
9 PROCEEDINGS AND ACTIONS WHICH SHALL BE AVAILABLE FOR PUBLIC
10 INSPECTION, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE
11 OF EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS
12 OF THE COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE
13 MICHIGAN OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE
14 PHYSICAL PRESENCE OF THREE (3) MEMBERS SHALL CONSTITUTE A
15 QUORUM FOR COMMISSION MEETINGS. A MAJORITY VOTE OF MEMBERS
16 PHYSICALLY PRESENT AT A DULY CONVENED MEETING OF THE
17 COMMISSION, A QUORUM BEING PRESENT, SHALL BE NECESSARY FOR
18 ANY ACTION. ELECTRONIC OR TELEPHONIC PRESENCE SHALL NOT
19 CONSTITUTE PHYSICAL PRESENCE; NOR SHALL ANY SUCH MEANS BE
20 UTILIZED FOR VOTING OR DECISION MAKING PURPOSES.
21

22 (D) NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER
23 PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF
24 GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE
25 OR IN PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY
26 DIRECT FINANCIAL INTEREST IN A MEDICAL MARIHUANA
27 ESTABLISHMENT.
28

29 (E) THE COMMISSION SHALL REVIEW AND DECIDE ALL APPEALS THAT ARE
30 FORWARDED TO IT BY THE CITY CLERK UNDER THIS CHAPTER. THE
31 COMMISSION’S REVIEW OF AN APPEAL SHALL NOT BE DE NOVO. THE
32 COMMISSION SHALL ONLY OVERTURN, OR MODIFY, A DECISION OR
33 FINDING OF THE CLERK IF IT FINDS SUCH DECISION OR FINDING TO BE
34 ARBITRARY OR CAPRICIOUS AND NOT SUPPORTED BY MATERIAL,
35 SUBSTANTIAL, AND COMPETENT FACTS ON THE WHOLE RECORD
36 CONSIDERED BY THE CLERK IN ARRIVING AT SUCH DECISION OR
37 FINDING.
38

39 (F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE
40 CITY COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS
41 RELATED TO THIS CHAPTER FOR COUNCIL APPROVAL.
42

43 (G) THE CHIEF OF POLICE (OR A DESIGNEE), THE CHIEF OF THE FIRE
44 DEPARTMENT (OR A DESIGNEE) AND THE DIRECTOR OF PLANNING AND
45 NEIGHBORHOOD DEVELOPMENT (OR A DESIGNEE) SHALL SERVE AND
46 ADVISE THE COMMISSION IN AN EX OFFICIO NON-VOTING CAPACITY.

1
2 **1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**
3

4 (A) EVERY MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING
5 SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH
6 IN THIS CHAPTER. NO PERSON SHALL OPERATE A MEDICAL MARIHUANA
7 ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE FOR
8 THE MEDICAL MARIHUANA ESTABLISHMENT FROM THE CITY CLERK. A
9 MEDICAL MARIHUANA ESTABLISHMENT OPERATING WITHOUT A LICENSE
10 UNDER THE PROVISIONS OF THIS CHAPTER OR WITHOUT A STATE LICENSE OR
11 APPROVAL PURSUANT TO THE MMFLA, AS AMENDED FROM TIME TO TIME, IS
12 HEREBY DECLARED TO BE A PUBLIC NUSIANCE.
13

14 (B) THE TERM OF EACH LICENSE FOR A PROPOSED LOCATION SHALL BE ONE
15 YEAR. A LICENSE ISSUED UNDER THIS CHAPTER FOR A PROPOSED LOCATION
16 MAY BE CONDITIONED ON THE APPROVAL OF THE OPERATOR BY THE STATE
17 PURSUANT TO THE MMFLA AT THE LOCATION.
18

19
20 **1300.5– LICENSE APPLICATION SUBMISSION.**
21

22 (A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY THE
23 CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO THE CITY
24 CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK IN ACCORDANCE
25 WITH THE PROVISIONS OF THIS CHAPTER SHALL BE CONSIDERED FOR THE
26 ISSUANCE OF A LICENSE. AN APPLICANT MAY APPLY FOR MULTIPLE MEDICAL
27 MARIHUANA ESTABLISHMENT LICENSES UNDER THIS CHAPTER OF THE SAME OR
28 DIFFERENT NATURES SIMULTANEOUSLY
29

30 (B) A COMPLETE APPLICATION FOR A LICENSE OR LICENSES REQUIRED BY
31 THIS CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE
32 CITY CLERK, AND SHALL CONTAIN ALL OF THE FOLLOWING:
33

- 34 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME,
35 DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR
36 MORE PHONE NUMBERS, INCLUDING EMERGENCY CONTACT
37 INFORMATION, AND A COPY OF A GOVERNMENT-ISSUED PHOTO
38 IDENTIFICATION CARD OF THE APPLICANT
39 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
40 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR
41 MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE
42 APPLICANT, INCLUDING DESIGNATION OF A STAKEHOLDER AS AN
43 EMERGENCY CONTACT PERSON AND CONTACT INFORMATION FOR
44 THE EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION
45 OR ORGANIZATION, INTERNAL REVENUE SERVICE SS-4 EIN

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1 CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OR
2 BYLAWS OF THE APPLICANT, IF A LIMITED LIABILITY COMPANY

3 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
4 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
5 NECESSARY BY THE CITY CLERK;
6

7 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
8 FOR THE APPLICANT AND FOR EACH STAKEHOLDER AND EMPLOYEE OF THE
9 APPLICANT, AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE AND
10 HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A
11 DISQUALIFYING FELONY. WITH RESPECT TO ALL OTHER MEDICAL
12 MARIHUANA ESTABLISHMENTS, FOR THE APPLICANT AND FOR EACH
13 STAKEHOLDER AND EMPLOYEE OF THE APPLICANT, AN AFFIRMATION THAT
14 EACH AND EVERY PERSON IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN
15 CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
16 FELONY;
17

18 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
19 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
20 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
21 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
22 CRITERIA SET FORTH IN THIS CHAPTER;
23

24 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
25 THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
26 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
27 IF OTHER THAN THE APPLICANT;
28

29 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT
30 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND
31 IF REVOKED OR SUSPENDED, THEN THE REASON FOR SUCH REVOCATION OR
32 SUSPENSION;
33

34 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
35 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
36 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
37 INDUSTRY;
38

39 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
40 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS
41 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH
42 IN THE MICHIGAN MEDICAL MARIHUANA ACT;
43

44 (10) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
45 A DESCRIPTION OF DRUG AND ALCOHOL AWARENESS PROGRAMS THAT

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1 SHALL BE PROVIDED OR ARRANGED FOR BY THE APPLICANT AND MADE
2 AVAILABLE FOR THE PUBLIC.

3
4 (11) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
5 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;

6
7 (12) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
8 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

9
10 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
11 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF
12 EACH PERSON OR ENTITY; AND

13
14 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES
15 POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON
16 HOLDING EACH POSITION; AND

17
18 (III) A PROPOSED MARKETING , ADVERTISING, AND BUSINESS
19 PROMOTION PLAN, INCLUDING PLANS TO MINIMIZE THE
20 ESPOSURE OF MARKETING OR PROMOTING MARIHUANA
21 PRODUCTS TO MINORS; AND

22
23 (IV) PLANNED TANGIBLE CAPITAL INVESTMENT IN THE CITY,
24 INCLUDING DETAIL RELATED TO THE NUMBER AND NATURE
25 OF APPLICANT'S PROPOSED MEDICAL MARIHUANA
26 ESTABLISHMENTS IN THE CITY AND WHETHER THE
27 LOCATIONS OF SUCH ESTABLISHMENTS WILL BE OWNED OR
28 LEASED; FURTHER, IF MULTIPLE LICENSES ARE PROPOSED, AN
29 EXPLANATION OF THE ECONOMIC BENEFITS TO THE CITY
30 AND JOB CREATION, IF ANY, TO BE ACHIEVED THROUGH THE
31 AWARD OF SUCH MULTIPLE LICENSES. SUPPORTING FACTUAL
32 DATA SHALL BE INCLUDED WITH THE RESPONSE TO THIS
33 SUBSECTION; AND

34
35 (V) EXPECTED JOB CREATION FROM THE PROPOSED MEDICAL
36 MARIHUAN ESTABLISHMENT(S); AND

37
38 (VI) PLANNED WORKER TRAINING PROGRAMS; AND

39
40 (VII) FINANCIAL STRUCTURE AND FINANCING OF THE PROPOSED
41 MEDICAL MARIHUANA ESTABLISHMENT(S); AND

42
43 (VIII) SHORT TERM AND LONG TERM GOALS AND OBJECTIVES
44 CONSISTENT WITH THIS CHAPTER; AND
45

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1 (IX) IF A MEDICAL MARIHUANA GROWER FACILITY (IES) ARE
2 PROPOSED, PLANS TO INTEGRATE SUCH FACILITY (IES) WITH
3 OTHER PROPOSED MEDICAL MARIHUANA ESTABLISHMENTS
4 AND A STATEMENT WHETHER THE MEDICAL MARIHUANA
5 GROWER FACILITY WILL GROW 1000 PLANTS OR MORE AND
6 THE SQUARE FOOTAGE OF THE BUILDING(S) HOUSING SUCH
7 GROWER FACILITY, AND IF SO, WILL THE FACILITY CONTAIN
8 MORE THAN 15,000 SQUARE FEET OF SPACE.
9

10 (13) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE
11 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE
12 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE
13 OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS
14 CHAPTER ALONG WITH A COPY OF ANY LEASE FOR THE PREMISES;
15

16 (14) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL
17 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY
18 LIGHTING, ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR
19 SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT
20 AND PREMISES. THE SECURITY PLAN MUST CONTAIN THE SPECIFICATION
21 DETAILS OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL
22 MARIHUANA ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT
23 DURING BUSINESS HOURS OR ALTERNATIVE SECURITY PROCEDURES SHALL
24 BE PROPOSED IN THE BUSINESS PLAN;
25

26 (15) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS
27 WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH
28 THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING
29 ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING
30 SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;
31

32 (16) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON
33 THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;
34

35 (17) A LOCATION AREA MAP, AS MEASURED PURSUANT TO SECTION
36 1300.13(D) OF THE MEDICAL MARIHUANA ESTABLISHMENT AND
37 SURROUNDING AREA THAT IDENTIFIES THE RELATIVE LOCATIONS AND THE
38 DISTANCES, AS MEASURED PURSUANT TO SECTION 1300.13(D), TO THE
39 BUFFERED USES SET FORTH IN SECTION 1300.13 (A)
40

41 (18) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY
42 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING
43 HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY
44 MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY
45 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS
46 PROHIBITED;

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1 (19) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK
2 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL
3 MONITOR INVENTORY;
4

5 (20) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,
6 INCLUDING MOLD AND PESTICIDES;
7

8 (21) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
9 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.
10 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT
11 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,
12 FINES, FEE OR OTHER FINANCIAL OBLIGATION TO THE CITY;
13

14 (22) VERIFICATION, INCLUDING COPIES OF ACTUAL BANK STATEMENTS,
15 SHOWING THAT THE APPLICANT HAS MINIMUM NET WORTH OF ONE
16 HUNDRED THOUSAND DOLLARS (\$100,000) IN THE APPLICANT’S NAME.
17

18 (23) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
19 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
20 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH
21 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE
22 MEDICAL MARIHUANA ESTABLISHMENT; AND
23

24 (24) A SIGNED ACKNOWLEDGMENT THAT THE APPLICANT IS AWARE AND
25 UNDERSTANDS THAT ALL MATTERS RELATED TO MARIHUANA, GROWING,
26 CULTIVATION, POSSESSION, DISPENSING, TESTING, SAFETY COMPLIANCE,
27 TRANSPORTING, DISTRIBUTION, AND USE ARE CURRENTLY SUBJECT TO
28 STATE AND FEDERAL LAWS, RULES, AND REGULATIONS, AND THAT THE
29 APPROVAL OR GRANTING OF A LICENSE HEREUNDER DOES NOT EXONERATE
30 OR EXCULPATE THE APPLICANT FROM ABIDING BY THE PROVISIONS AND
31 REQUIRMENTS AND PENALTIES ASSOCIATED WITH THOSE LAWS, RULES AND
32 REGULATIONS OR EXPOSURE TO ANY PENALTIES ASSOCIATED THEREWITH;
33 AND FURTHER THE APPLICANT WAIVIES AND FOREVER RELEASES ANY
34 CLAIM, DEMAND, ACTION, LEGAL REDRESS, OR RECOURSE AGAINST THE
35 CITY OF LANSING, ITS ELECTED AND APPOINTED OFFICIALS AND ITS
36 EMPLOYEES AND AGENTS FOR ANY CLAIMS, DAMAGES, LIABILITIES, CAUSES
37 OF ACTION, DAMAGES, AND ATTORNEY FEES THE APPLICANT MAY OCCUR AS
38 A RESULT OF THE VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS,
39 PARTNERS, SHAREHOLDERS, EMPLOYEES AND AGENT OF THOSE LAWS,
40 RULES, AND REGULATIONS AND HEREBY WAIVES, AND ASSUMES THE RISK
41 OF, ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE AGAINST
42 THE CITY OF LANSING, ITS ELECTED AND APPOINTED OFFICIALS,
43 EMPLOYEES, ATTORNEYS, AND AGENTS.
44
45

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1 (25) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE
2 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:
3

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

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

15 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
16 CONFORMANCE WITH THE MMMA, THE MMFLA, MTA AND OTHER
17 APPLICABLE STATE LAW;
18

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

25 (V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING. THE
26 APPLICANT SHALL SPECIFICALLY ACKNOWLEDGE THIS PROVISION.
27

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

43 (27) (A) PROOF OF A SURETY BOND IN THE AMOUNT OF \$50,000 WITH
44 THE CITY OF LANSING LISTED AS THE OBLIGEE TO GUARANTEE
45 PERFORMANCE BY APPLICANT OF THE TERMS, CONDITIONS AND

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1 OBLIGATIONS OF THIS CHAPTER IN A MANNER AND SURETY APPROVED
2 BY THE CITY ATTORNEY; OR, IN THE ALTERNATIVE,
3

4 (B) CREATION OF AN ESCROW ACCOUNT AS FOLLOWS;

5 (1) THE ACCOUNT MUST BE PROVIDED BY A STATE OR FEDERALLY
6 REGULATED FINANCIAL INSTITUTION OR OTHER FINANCIAL
7 INSTITUTION APPROVED BY THE CITY ATTORNEY BASED UPON AN
8 OBJECTIVE ASSESSMENT OF THE INSTITUTION’S FINANCIAL
9 STABILITY; AND

10
11 (2) THE ACCOUNT MUST BE FOR THE BENEFIT OF THE CITY TO
12 GUARANTEE PERFORMANCE BY LICENSEE IN COMPLIANCE WITH
13 THIS CHAPTER AND APPLICABLE LAW; AND

14
15 (3) THE ACCOUNT MUST BE IN THE AMOUNT OF TWENTY THOUSAND
16 (\$20,000) DOLLARS AND IN A FORM PRESCRIBED BY THE CITY
17 ATTORNEY.
18

19
20 (28) ANY OTHER INFORMATION WHICH MAY BE REQUIRED BY
21 COMMISSION RULE OR CITY COUNCIL ORDINANCE FROM TIME TO TIME.
22

23 (C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A LICENSE
24 APPLICATION FEE IN AN AMOUNT OF \$5,000. SHOULD THE APPLICANT NOT
25 RECEIVE A LICENSE, ONE-HALF OF THE APPLICATION FEE SHALL BE RETURNED.
26

27 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
28 REQUIREMENTS OF THIS SECTION AND THE APPROPRIATE LICENSE APPLICATION
29 FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION TO EACH OF
30 THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING
31 SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, AND
32 THE CITY TREASURER.
33

34 (E) EXCEPT AS PROVIDED IN SECTION 1300.18 NO APPLICATION SHALL
35 BE APPROVED UNLESS:
36

37 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
38 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS
39 FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT AND FOR
40 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER;
41

42 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE
43 PROPOSED LOCATION COMPLIES WITH THE ZONING CODE AND THIS
44 CHAPTER, INCLUDING ANY VARIANCES GRANTED UNDER SECTION 1300.18;
45

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1 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
2 EACH STAKEHOLDER OF THE APPLICANT AND THE PROPOSED LOCATION
3 OF THE ESTABLISHMENT ARE NOT IN DEFAULT TO THE CITY;
4

5 (4) THE POLICE DEPARTMENT HAS DETERMINED THAT THE APPLICANT
6 HAVE MET THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE
7 BACKGROUND CHECK AND SECURITY PLAN.
8

9 **1300.6- LICENSE APPLICATION EVALUATION.**

10
11 (A) THE CITY CLERK SHALL ASSESS, EVALUATE, SCORE AND RANK ALL
12 APPLICATIONS SUBMITTED ACCORDING TO THE PROVISIONS OF THIS
13 CHAPTER. NO APPLICATION SHALL BE ACCEPTED FOR ASSESSMENT,
14 EVALUATION, SCORING, AND RANKING UNLESS SUCH APPLICATION
15 CONTAINS THE APPROVALS REQUIRED BY SECTION 1300.5.
16

17 (B) IN ITS APPLICATION ASSESSMENT, EVALUATION, SCORING, AND RANKING,
18 DELIBERATIONS, THE CLERK SHALL ASSESS, EVALUATE, SCORE, AND RANK
19 EACH APPLICATION BASED UPON A SCORING AND RANKING PROCEDURE
20 DEVELOPED BY THE CLERK CONSISTENT WITH THE REQUIREMENTS,
21 CONDITIONS, AND PROVISIONS OF THIS CHAPTER IN EACH OF THE CATEGORIES
22 SET FORTH BELOW IN THIS SUBSECTION. OVERALL SCORING AND RANKING
23 SHALL BE CONDUCTED AND APPLIED BY THE CLERK ON THE BASIS OF
24 ASSIGNED POINTS FROM ZERO (0) POINTS TO ONE HUNDRED POINTS(100) POINTS
25 WITH THE LOWEST OVERALL TOTAL SCORE AS ZERO (0) POINTS AND THE
26 HIGHEST POSSIBLE TOTAL SCORE BEING ONE HUNDRED (100) POINTS
27

28 (1) THE CONTENT AND SUFFICIENCY OF THE INFORMATION CONTAINED
29 IN 1300.5 (B) (12) AND (23); THE MAXIMUM NUMBER OF SCORING
30 POINTS IN THIS CATEGORY SHALL BE FIFTY (50) POINTS;
31

32 (2) WHETHER THE PROPOSED ESTABLISHMENT WILL BE CONSISTENT
33 WITH LAND USE FOR THE SURROUNDING NEIGHBORHOOD AND NOT
34 HAVE A DETRIMENTAL EFFECT ON TRAFFIC PATTERNS AND
35 RESIDENT SAFETY. THE MAXIMUM NUMBER OF SCORING POINTS IN
36 THIS CATEGORY SHALL BE TWENTY (20) POINTS;
37

38 (3) PLANNED OUTREACH ON BEHALF OF THE PROPOSED
39 ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS
40 STAKEHOLDERS HAVE MADE, OR PLAN TO MAKE, SIGNIFICANT
41 PHYSICAL IMPROVEMENTS TO THE BUILDING HOUSING THE
42 MEDICAL MARIHUANA ESTABLISHMENT, INCLUDING PLANS TO
43 ELIMINATE OR MINIMIZE TRAFFIC, NOISE, AND ODOR EFFECTS ON
44 THE SURROUNDING NEIGHBORHOOD . THE MAXIMUM NUMBER OF
45 SCORING POINTS IN THIS CATEGORY SHALL BE TEN (10) POINTS;
46

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1 (4) WHETHER THE APPLICANT OR ANY OF ITS STAKEHOLDERS HAVE A
2 RECORD OF ACTS DETRIMENTAL TO THE PUBLIC HEALTH,
3 SECURITY, SAFETY, MORALS, GOOD ORDER, OR GENERAL WELFARE
4 PRIOR TO THE DATE OF THE APPLICATION; WHETHER THE
5 APPLICANT OR ANY OF ITS STAKEHOLDERS HAVE PREVIOUSLY
6 OPERATED AN ILLEGAL BUSINESS OF ANY KIND. THE MAXIMUM
7 NUMBER OF SCORING POINTS IN THIS CATEGORY SHALL BE TEN (10)
8 POINTS;

9
10 (5) WHETHER THE APPLICANT HAS REASONABLY AND TANGIBLY
11 DEMONSTRATED IT POSSESSES SUFFICIENT FINANCIAL RESOURCES
12 TO FUND, AND THE REQUISITE BUSINESS EXPERIENCE TO EXECUTE,
13 THE SUBMITTED BUSINESS PLAN AND OTHER PLANS REQUIRED BY
14 SECTION 1300.5. THE MAXIMUM NUMBER OF SCORING POINTS IN THIS
15 CATEGORY SHALL BE TEN (10) POINTS.

16
17 (C) BASED UPON TESTIMONY, WRITTEN AND ORAL COMMENTS FROM
18 THE PUBLIC, PLANNING BOARD REVIEW, MAPS, HISTORICAL DATA,
19 COUNCIL COMMITTEE DELIBERATIONS, AND PUBLIC HEARINGS, THE
20 CITY COUNCIL FINDS AND DETERMINES THAT IT IS IN THE PUBLIC
21 INTEREST AND SERVES A PUBLIC PURPOSE THAT THE MAXIMUM
22 NUMBER OF LICENSES ISSUED FOR MEDICAL MARIHUANA
23 PROVISIONING CENTERS SHALL BE CAPPED AT TWENTY-FIVE (25), AND
24 IMPLEMENTED IN A TWO-PHASE PROCESS IN ORDER TO BALANCE
25 SERVING PATIENTS' NEEDS AND SPREADING ECONOMIC DEVELOPMENT.

26 (1) PHASE ONE: AT THE CONCLUSION OF A THIRTY (30) DAY
27 ENROLLMENT PERIOD SET BY THE CITY CLERK, THE CITY CLERK SHALL
28 BEGIN PROCESSING OF APPLICATIONS FOR AUTHORIZATION OF A
29 MAXIMUM OF TWENTY (20) PROVISIONING CENTER LICENSES TO
30 ALLOW FOR AN EFFICIENT AND MANAGABLE ADMINISTRATIVE
31 REVIEW. THE CITY CLERK MAY ADJUST DISTRIBUTION OF PHASE TWO
32 LICENSES TO MEET PATIENTS' NEEDS. (2) PHASE TWO: AT THE
33 CONCLUSION OF A SECOND THIRTY (30) DAY ENROLLMENT PERIOD SET
34 BY THE CLERK, WHICH IS OPEN TO NEW APPLICATIONS AND
35 AMENDED APPLICATIONS, THE CLERK MAY AUTHORIZE A MAXIMUM OF
36 FIVE (5) ADDITIONAL PROVISIONING CENTER LICENSES DURING THE
37 TWO-PHASE PROCESS. AN APPLICATION SUBMITTED DURING PHASE
38 ONE TO THE CLERK, BUT NOT SELECTED FOR APPROVAL DURING
39 PHASE ONE, MAY BE CONSIDERED FOR APPROVAL DURING PHASE TWO.
40 THE CLERK WILL INITIATE PHASE TWO WITHIN ONE YEAR OF THE
41 START OF PHASE ONE.

42
43 (D) IN THE EVENT THAT THERE ARE MORE APPLICANTS FOR
44 PROVISIONING CENTER LICENSES WHO MEET THE MINIMUM
45 REQUIREMENTS SET FORTH IN 1300.6(B) THAN THERE ARE LICENSES
46 AVAILABLE IN EITHER PHASE ONE OR TWO, THE TOP SCORING

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1 TWENTY (20) APPLICANTS IN PHASE ONE AND TOP SCORING FIVE (5)
2 APPLICANTS IN PHASE TWO, SHALL BE ELIGIBLE TO RECEIVE
3 PROVISIONING CENTER LICENSES IN ACCORDANCE WITH THE
4 ASSESSMENT, EVALUATION, SCORING, AND RANKING PROCEDURES
5 ESTABLISHED IN THIS CHAPTER.. IN THE EVENT OF AN
6 EVALUATION SCORING TIE DURING EITHER PHASE ONE OR
7 PHASE TWO, WHICH CAUSES THERE TO BE MORE THAN 20 AND 5
8 HIGHEST SCORING APPLICANTS RESPECTIVELY, THE SCORING -
9 TIED APPLICANTS WILL BE ENTERED INTO A RANDOM DRAW
10 USING PROCEDURES SET BY THE CITY CLERK CONSISTENT WITH
11 SUBSECTIONS 1300.6 (C) AND (D). THOSE APPLICATIONS RANDOMLY
12 SELECTED SHALL BE ELIGIBLE TO RECEIVE A PROVISIONING CENTER
13 LICENSE; HOWEVER, IN NO EVENT SHALL THE MAXIMUM NUMBER OF
14 PROVISIONING CENTER LICENSES EVER EXCEED 25. ALL LICENSE
15 APPLICATIONS MUST BE SUBMITTED DURING THE OPEN
16 ENROLLMENT PERIODS SET BY THE CLERK.

17
18 (E) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR
19 OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST IN A LICENSE OF ANY
20 KIND OR NATURE WHATSOEVER INCLUDING, BUT NOT LIMITED TO, ANY
21 CLAIM OF ENTITLEMENT.

22
23 (F) THE CLERK MAY ENGAGE PROFESSIONAL EXPERT ASSISTANCE IN
24 PERFORMING THE CLERKS DUTIES AND RESPONSIBILITIES UNDER THE
25 CHAPTER.

26
27
28
29 **1300.7 – LICENSE RENEWAL APPLICATION.**

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

34
35 (B) AN APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS
36 CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE CITY,
37 AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(B).

38
39 (C) AN APPLICATION FOR A LICENSE RENEWAL SHALL BE
40 ACCOMPANIED BY A RENEWAL FEE IN AN AMOUNT OF \$5,000 WHICH HALF WILL
41 BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE RENEWAL FEE IS
42 ESTABLISHED TO DEFRAID THE COSTS OF THE ADMINISTRATION OF THIS
43 CHAPTER.

44
45 (D) UPON RECEIPT OF A COMPLETED APPLICATION FOR A LICENSE
46 RENEWAL MEETING THE REQUIREMENTS OF THIS CHAPTER AND THE LICENSE
47 RENEWAL FEE, THE CITY CLERK SHALL REFER A COPY OF THE RENEWAL

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1 APPLICATION TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE
2 DEPARTMENT, THE BUILDING SAFETY OFFICE, THE LANSING POLICE
3 DEPARTMENT, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER,

4
5 (E) NO APPLICATION FOR A LICENSE RENEWAL SHALL BE APPROVED
6 UNLESS:

7
8 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
9 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL
10 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN
11 THE PAST CALENDAR YEAR; AND

12
13 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE LOCATION
14 COMPLIES WITH THE ZONING CODE AND THIS CHAPTER, AT THE TIME
15 A LICENSE IS GRANTED, INCLUDING ANY VARIANCES GRANTED UNDER
16 SECTION 1300.18; AND

17
18 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
19 EACH STAKEHOLDER OF THE APPLICANT AND THE LOCATION OF THE
20 MEDICAL MARIHUANA ESTABLISHMENT ARE NOT CURRENTLY IN
21 DEFAULT TO THE CITY; AND

22
23 (4) THE POLICE DEPARTMENT HAS REVIEWED THE APPLICATION AND
24 DETERMINED THAT THE APPLICANT HAS SATISFIED THE
25 REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE
26 BACKGROUND CHECK AND SECURITY PLAN; AND

27
28 (5) THE APPLICANT POSSESSES THE NECESSARY STATE LICENSES OR
29 APPROVALS, INCLUDING THOSE ISSUED PURSUANT TO THE MMFLA;
30 AND

31
32 (6) THE APPLICANT HAS OPERATED THE MEDICAL MARIHUANA
33 ESTABLISHMENT IN ACCORDANCE WITH THE CONDITIONS AND
34 REQUIREMENTS OF THIS CHAPTER; AND

35
36 (7) THE MEDICAL MARIHUANA ESTABLISHMENT HAS NOT BEEN
37 DECLARED A PUBLIC NUISANCE; AND

38
39 (8) THE APPLICANT IS OPERATING THE MEDICAL MARIHUANA
40 ESTABLISHMENT IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL
41 LAWS AND REGULATIONS.

42
43 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL, DEPARTMENT, OR
44 ENTITY IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A
45 LICENSE RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED,
46 HALF OF THE RENEWAL FEE SHALL BE RETURNED. THE RENEWAL SHALL BE

1 DEEMED APPROVED IF THE CITY HAS NOT ISSUED FORMAL NOTICE OF DENIAL
2 WITHIN 60 DAYS OF THE FILING DATE OF THE APPLICATION, UNLESS THE
3 APPLICANT IS ADVISED OF NON-COMPLIANCE UNDER 1300.7 (E) DURING SUCH
4 PERIOD.

5
6 **1300.8 – LICENSES GENERALLY.**

7
8 (A) TO THE EXTENT PERMISSIBLE UNDER LAW, ALL INFORMATION
9 SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR
10 LICENSE RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND
11 EXEMPT FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF
12 INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ. FURTHERMORE, NO
13 PERSONAL OR MEDICAL INFORMATION CONCERNING THE APPLICANT SHALL
14 BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION.

15
16 (B) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER
17 TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL FROM
18 THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
19 LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO
20 THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE
21 PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST,
22 THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO EACH
23 OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE
24 BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING
25 ADMINISTRATOR, AND THE CITY TREASURER. NO LICENSE TRANSFER SHALL
26 BE APPROVED UNLESS EACH SUCH INDIVIDUAL DEPARTMENT, OR ENTITY
27 GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED
28 LICENSE LOCATION MEET THE STANDARDS IDENTIFIED IN THIS CHAPTER,
29 INCLUDING BUT NOT LIMITED TO SECTION 1300.5(E), AND THE CITY CLERK
30 HAS DETERMINED THAT THE PROPOSED LOCATION MEETS THE
31 REQUIREMENTS OF 1300.6 (B)(2) AND (3).

32
33 (C) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO
34 A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL
35 BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
36 LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST
37 MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT
38 LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE WRITTEN
39 REQUEST, THE CITY CLERK SHALL CONSIDER THE REQUEST AS A NEW
40 APPLICATION FOR A LICENSE AND THE PROCEDURES SET FORTH IN 1300.5
41 AND 1300.6 SHALL BE FOLLOWED INCLUDING SUBMISSION OF THE LICENSE
42 APPLICATION FEE. APPLICATION FEES ARE NON-TRANSFERABLE.

43
44 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION
45 REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10)

1 BUSINESS DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN
2 SUSPENSION OR REVOCATION OF THE LICENSE.

3
4 (E) ANY LICENSE APPLICATION APPROVED PURSUANT TO THIS CHAPTER
5 SHALL NOT BE EFFECTIVE, AND NO MEDICAL MARIHUANA ESTABLISHMENT
6 MAY OPERATE, UNLESS THE MEDICAL MARIHUANA ESTABLISHMENT IS
7 OPERATED PURSUANT TO A LICENSE OR APPROVAL ISSUED UNDER THE
8 MMFLA.

9
10 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
11 **PROVISIONING CENTER.**

12
13 EXCEPT AS MAY BE PREEMPTED BY STTE LAW OR REGULATION,

14
15 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED
16 IN A BUILDING, AS DEFINED UNDER SECTION 1300.2.

17
18 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN
19 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;

20
21 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES
22 OF A MEDICAL MARIHUANA PROVISIONING CENTER EXCEPT AS PERMITTED BY
23 LANSING CITY CHARTER SECTION 8-501 AND STATE LAW;

24
25 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY
26 MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH
27 SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO
28 RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A
29 PERIOD OF 14 DAYS;

30
31 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE
32 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM
33 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A
34 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL
35 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN
36 AREA ACCESSIBLE TO THE GENERAL PUBLIC;

37
38 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL
39 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY
40 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY
41 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
42 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
43 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
44 AREA ONLY IF PERMITTED BY THE MMFLA;

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1 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
2 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
3 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
4 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

5
6 (H) DRIVE-THRU WINDOWS ON THE PREMISES OF A MEDICAL MARIHUANA
7 PROVISIONING CENTER SHALL NOT BE PERMITTED;

8
9 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
10 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
11 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
12 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED; OR
13 ANY OTHER NUISANCE THAT HINDERS THE PUBLIC HEALTH, SAFETY AND
14 WELFARE OF THE RESIDENTS OF THE CITY OF LANSING.

15
16 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
17 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
18 CENTER;

19
20 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A
21 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT
22 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;

23
24 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
25 PACKAGED AND LABELED AS PROVIDED BY STATE LAW AND THIS CHAPTER.
26 THE LABEL SHALL INCLUDE:

- 27
28 (1) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE PERSON TO WHOM IT
29 IS BEING DELIVERED;
30 (2) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE CULTIVATION SOURCE
31 OF THE MARIHUANA;
32 (3) THAT THE PACKAGE CONTAINS MARIHUANA;
33 (4) THE DATE OF DELIVERY, WEIGHT, TYPE OF MARIHUANA AND DOLLAR
34 AMOUNT OR OTHER CONSIDERATION BEING EXCHANGED IN THE
35 TRANSACTION;
36 (5) A CERTIFICATION THAT ALL MARIHUANA IN ANY FORM CONTAINED IN
37 THE PACKAGE WAS CULTIVATED, MANUFACTURED, AND PACKAGED IN
38 THE STATE OF MICHIGAN;
39 (6) THE WARNING THAT; “THIS PRODUCT IS MANUFACTURED WITHOUT
40 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY.
41 THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR
42 USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE
43 DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE
44 USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF
45 CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES

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1 NOT COMPLY WITH STATE LAW OR BY PERSON WHO DOES NOT
2 POSSESS A VALID MEDICAL MARIHUANA PATIENT REGISTRY CARD.”

3 (7) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF
4 AN AUTHORIZED REPRESENTATIVE OF THE DISPENSARY WHOM A
5 PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE
6 PRODUCT.

7
8 (M) A LICENSEE SHALL REQUIRE ALL REGISTERED PATIENTS PRESENT BOTH
9 THEIR MICHIGAN MEDICAL MARIHUANA PATIENT/CAREGIVER ID CARD AND
10 STATE IDENTIFICATION PRIOR TO ENTERING RESTRICTED/LIMITED AREAS OR
11 NON-PUBLIC AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER, AND
12 IF NO RESTRICTED/LIMITED AREA IS REQUIRED, THEN PROMPTLY UPON
13 ENTERING THE MEDICAL MARIHUANA PROVISIONING CENTER.

14
15 (N) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
16 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON
17 THE PREMISES.

18
19 (O) IT SHALL BE PROHIBITED TO DISPLAY ANY SIGNS THAT ARE
20 INCONSISTENT WITH LOCAL LAWS OR REGULATIONS OR STATE LAW.

21
22 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS
23 MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO
24 MINORS.

25
26 (Q) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL
27 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN
28 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY
29 MEDIUM WITHIN THE DISTANCE LIMITATIONS SET FORTH IN SECTION 1300.13 (A)

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

38
39 **1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
40 **GROWER FACILITY.**

41
42 (A) EXCEPT AS MAY BE PREEMPTED BY STATE LAW OR REGUALTION, THE
43 FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA GROWER
44 FACILITIES SHALL APPLY:

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1 (1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL
2 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE
3 MTA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND
4 REGULATORY AFFAIRS, OR THEIR SUCCESSORS, AS THEY MAY BE AMENDED
5 FROM TIME TO TIME.

6
7 (2) EXCEPT AS PROVIDED BY STATE LAW AND LANSING CITY CHARTER,
8 CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED
9 AT THE GROWER FACILITY;

10
11 (3) ALL GROWER ACTIVITY RELATED TO THE GROWER FACILITY SHALL BE
12 PERFORMED IN A BUILDING;

13
14 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
15 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
16 ON THE PREMISES;

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

29
30 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
31 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
32 MMFLA, MTA, AND THE RULES AND REGULATIONS OF THE MEDICAL
33 MARIHUANA LICENSING BOARD, AS AMENDED;

34
35 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
36 PERMITS SHALL BE OBTAINED FROM THE CITY OF LANSING OR OTHER
37 APPLICABLE GOVERNMENT AUTHORITY FOR ANY PORTION OF THE
38 STRUCTURE IN WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING
39 DEVICES THAT SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF
40 MARIHUANA ARE LOCATED;

41
42 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS SUCH AS
43 HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED SHALL BE SUBJECT
44 TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO
45 INSURE COMPLIANCE WITH THE MICHIGAN FIRE CODES;

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1 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
2 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

3
4 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
5 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
6 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT
7 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
8 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;

9
10 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
11 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
12 INCLUDING BUT NOT LIMITED TO:

13
14 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

15
16 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
17 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
18 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

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

25
26 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
27 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
28 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
29 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;

30
31 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
32 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
33 IN GOOD REPAIR;

34
35 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
36 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
37 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
38 WASTE DEVELOPMENT AND MINIMIZE THE POTENTIAL FOR WASTE
39 BECOMING AN ATTRACTANT, HARBORAGE OR BREEDING PLACE FOR PESTS;

40
41 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
42 MAINTAINED IN A SANITARY CONDITION;

43
44 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
45 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
46 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

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1
2 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
3 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
4 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
5

6 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
7 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
8

9 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
10 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
11 HUMAN CONSUMPTION.
12

13 (B) IN FURTHERANCE OF THE PUBLIC HEALTH, SAFETY, AND WELFARE,
14 EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
15 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.
16

17 (C) VENTING OF MARIHUANA ODORS INTO THE AREAS SURROUNDING THE
18 MEDICAL MARIHUANA GROWER FACILITY IS DEEMED AND DECLARED TO BE A
19 PUBLIC NUISANCE.
20

21 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
22 **SAFETY COMPLIANCE FACILITY.**
23

24 (A) EXCEPT AS MAY BE PREEMPTED BY STATE LAW OR REGULATION, THE
25 FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE FACILITIES
26 SHALL APPLY:
27

28 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES
29 AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE MTA, AND
30 THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD AS
31 THEY MAY BE AMENDED FROM TIME TO TIME;
32

33 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
34 LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL
35 MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;
36

37 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
38 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
39 ON THE PREMISES;
40

41 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK
42 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL
43 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.
44 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING
45 PATIENTS IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT,
46 AS AMENDED FROM TIME TO TIME;

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1
2 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
3 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE
4 MMMA, THE MMFLA, AND THE MTA, AND THE RULES AND REGULATIONS OF
5 THE MEDICAL MARIHUANA LICENSING BOARD, AS AMENDED;
6

7 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE
8 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL
9 MARIHUANA;
10

11 (7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
12 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;
13

14 (8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
15 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
16 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
17 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
18

19 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
20 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
21 IN GOOD REPAIR;
22

23 (10) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
24 MAINTAINED IN A SANITARY CONDITION;
25

26 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
27 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
28 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
29

30 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
31 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.
32

33 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
34 **PROCESSOR FACILITY AND A MEDICAL MARIHUANA SECURE TRANSPORTER.**
35

36 (A) EXCEPT AS MAY BE PREEMPTED BY STATE LAW OR REGULATION, THE
37 FOLLOWING MINIMUM STANDARDS FOR A MEDICAL MARIHUANA PROCESSOR
38 FACILITY AND A MEDICAL MARIHUANA SECURE TRANSPORTER SHALL APPLY:
39

40 (1) THE PROCESSOR AND SECURE TRANSPORTER SHALL COMPLY AT ALL
41 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, MTA
42 AND THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD
43 AND THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR
44 SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS MAY BE
45 AMENDED FROM TIME TO TIME;
46

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

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

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

12
13 (5) ANY PROCESSOR AND/OR SECURE TRANSPORTER FACILITY SHALL
14 MAINTAIN A LOG BOOK AND/OR DATABASE IN ACCORDANCE WITH THE
15 MMFLA, THE MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
16 MARIHUANA LICENSING BOARD IDENTIFYING BY DATE THE AMOUNT OF
17 MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL NOT EXCEED THE
18 AMOUNT PERMITTED UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE
19 OF MICHIGAN, TO THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG
20 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM
21 THAT THE PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
22 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
23 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
24 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

25
26 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE
27 IDENTIFICATION.

28
29 (7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
30 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
31 MMFLA, MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
32 MARIHUANA LICENSING BOARD, AS AMENDED;

33
34 (8) ALL NECESSARY BUILDING, ELECTRICAL, PLUMBING AND
35 MECHANICAL PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE
36 STRUCTURE IN WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT
37 THE PROCESSING OR SECURE TRANSPORTING OF MEDICAL MARIHUANA ARE
38 LOCATED;

39
40 (9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY
41 CHEMICALS EXIST SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY
42 THE LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE
43 MICHIGAN FIRE PROTECTION CODE;

44
45 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
46 MARIHUANA PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE

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1 PROHIBITED EXCEPT AS AUTHORIZED BY LANSING CITY CHARTER AND
2 STATE LAW;

3
4 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
5 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH THE
6 PROCESSING MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT
7 ACCESSORY USES IN SUITES SEGREGATED FROM THE PROCESSOR FACILITY;

8
9 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
10 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
11 INCLUDING BUT NOT LIMITED TO:

12
13 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

14
15 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
16 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
17 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

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

24
25 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
26 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
27 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
28 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;

29
30 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
31 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
32 IN GOOD REPAIR;

33
34 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
35 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
36 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
37 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
38 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
39 FOR PESTS;

40
41 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
42 MAINTAINED IN A SANITARY CONDITION;

43
44 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE
45 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET

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1 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD
2 REPAIR;

3
4 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
5 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
6 PREVENTS THE GROWTH OF THESE MICROORGANISMS;

7
8 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY
9 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

10
11 (20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN
12 USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.

13
14 (B) IN FURTHERANCE OF THE PUBLIC HEALTH, SAFETY, AND
15 WELFARE, EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS
16 A MEDICAL MARIHUANA PROCESSOR FACILITY AND/OR MEDICAL MARIHUANA
17 SECURE TRANSPORTER FACILITY SHALL BE PROHIBITED.

18
19 **1300.13 – LOCATION, BUFFERING, DISPERSION, AND ZONING REQUIREMENTS**
20 **FOR ~~OF~~ MEDICAL MARIHUANA PROVISIONING CENTERS.**

21
22 (A) EXCEPT IN ACCORDANCE WITH SECTION 1300.18, FOR BUFFERING AND
23 DISPERSION PURPOSES, NO MEDICAL MARIHUANA PROVISIONING CENTER
24 SHALL BE LOCATED WITHIN:

- 25
26 (1) ONE THOUSAND (1000) FEET, OF AN OPERATIONAL SCHOOL,
27 INCLUDING PRE-KINDERGARTEN THAT IS LOCATED WITHIN A
28 SCHOOL; OR
29
30 (2) FIVE HUNDRED (500) FEET, OF THE FOLLOWING BUFFERED USES:
31 PUBLIC PLAYGROUND EQUIPMENT LOCATED IN A PARK; A
32 COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME
33 OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED
34 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN
35 SERVICES, OR ITS SUCCESSOR AGENCY, A CHURCH; A FACILITY AT
36 WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE
37 ABUSE TREATMENT AND REHABILITATION SERVICES AND THOSE
38 TERMS ARE DEFINED IN PART 61 OR PA 368 OF 1978, MCL 333.6101 ET
39 SEQ., ARE OFFERED; OR ANOTHER MEDICAL MARIHUANA
40 PROVISIONING CENTER.

41
42 (B) MEDICAL MARIHUANA PROVISIONING CENTERS SHALL BE LIMITED TO F
43 AND F1-COMMERCIAL, G2-WHOLESALE, H-LIGHT INDUSTRIAL, AND I-HEAVY
44 INDUSTRIAL AS SUCH DISTRICTS ARE DESCRIBED AND DESIGNATED AS
45 PROVIDED IN THE ZONING CODE PROVISIONS OF THE LANSING CODIFIED
46 ORDINANCES.

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1
2 (C) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED
3 WITHIN ANOTHER BUSINESS EXCEPT AS PERMITTED BY THE MEDICAL
4 MARIHUANA LICENSING BOARD REGULATIONS.
5

6 (D) FOR THE PURPOSE OF CALCULATING THE BUFFERING AND DISPERSION
7 REQUIREMENTS OF THIS SECTION 1300.13, THE DISTANCE SHALL BE MEASURED
8 ALONG THE CENTER LINE OF THE STREET OR STREETS OF ADDRESS BETWEEN
9 TWO FIXED POINTS ON THE CENTER LINE DETERMINED BY PROJECTING
10 STRAIGHT LINES, AT RIGHT ANGLES TO THE CENTER LINE, FROM THE PART OF
11 THE BUFFERED USE NEAREST TO THE CONTEMPLATED LOCATION OF THE
12 MEDICAL MARIHUANA ESTABLISHMENT AND FROM THE PART OF THE
13 CONTEMPLATED LOCATION NEAREST TO THE BUFFERED USE. THE DISTANCES
14 FROM THE MEDICAL MARIHUANA ESTABLISHMENT TO THE POINT ON THE
15 CENTERLINE AND FROM THE BUFFERED USE TO THE POINT ON THE CENTERLINE
16 SHALL BE INCLUDED IN THE CALCULATION. FOR PROVISIONING CENTERS
17 LOCATED WITHIN A COMMERCIAL STRIP MALL OR RETAIL CENTER, THE
18 MEASUREMENT SHALL BE FROM THE PROPERTY LINE OF THE PROVISIONING
19 CENTER TO THE PROPERTY LINE OF ANOTHER PROVISIONING CENTER.
20

21 (E) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY
22 CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF
23 MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON LICENSED PREMISES.
24

25 (F) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN
26 UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO
27 PURSUANT TO PUBLIC ACT 425 OF 1984.
28

29 **1300.14 - LOCATION OF MEDICAL MARIHUANA GROWER FACILITIES,**
30 **MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL**
31 **MARIHUANA PROCESSOR FACILITIES, AND MEDICAL MARIHUANA SECURE**
32 **TRANSPORTERS.**
33

34 (A) ALL MEDICAL MARIHUANA GROWER FACILITIES SHALL BE SUBJECT TO
35 SUBSECTION 1300.13(E) AND LIMITED TO H-LIGHT INDUSTRIAL AND I-HEAVY
36 INDUSTRIAL ZONING DISTRICT AS IDENTIFIED IN THE LANSING CODIFIED
37 ORDINANCES.
38

39 (B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL
40 MARIHUANA PROCESSOR FACILITIES, AND MEDICAL MARIHUANA SECURE
41 TRANSPORTER FACILITIES SHALL BE SUBJECT TO SECTION 1300.13(E) AND SHALL
42 BE LIMITED TO THE H-LIGHT INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-
43 WHOLESALE ZONING DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED
44 ORDINANCES.
45

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1 (C) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN
2 UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO
3 PURSUANT TO PUBLIC AT 425 OF 1984.

4
5 (D) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY
6 CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF
7 MARIHUANA OR MARIHUNA INFUSED PRODUCTS ON LICENSED PREMISES.

8
9
10 **1300.15 - LICENSE REVOCATION; BASES FOR REVOCATION; APPEAL OF**
11 **LICENSE DENIAL.**

12
13 (A) ANY LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED BY THE
14 CITY CLERK AFTER AN ADMINISTRATIVE HEARING IF THE CITY CLERK FINDS
15 AND DETERMINES THAT GROUNDS FOR REVOCATION EXIST. ANY GROUNDS FOR
16 REVOCATION MUST BE PROVIDED TO THE LICENSEE AT LEAST TEN (10) DAYS
17 PRIOR TO THE DATE OF THE HEARING BY FIRST CLASS MAIL TO THE ADDRESS
18 GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS PROVIDED TO THE CITY
19 CLERK IN WRITING SUBSEQUENT TO THE FILING OF AN APPLICATION.

20
21 (B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE
22 DENIED OR REVOKED ON ANY OF THE FOLLOWING BASES:

23
24 (1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER,
25 INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO PROVIDE THE
26 INFORMATION REQUIRED BY SUBSECTION 1300.16(A); OR

27
28 (2) ANY CONVICTION OF A DISQUALIFYING FELONY BY THE LICENSEE,
29 STAKEHOLDER, OR ANY PERSON HOLDING AN OWNERSHIP INTEREST IN
30 THE LICENSE; OR

31
32 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF
33 A FALSE STATEMENT BY THE APPLICANT, LICENSEE, OR ANY
34 STAKEHOLDER OF THE APPLICANT OR LICENSEE WHILE ENGAGING IN
35 ANY ACTIVITY FOR WHICH THIS CHAPTER REQUIRES A LICENSE; OR

36
37 (4) FAILURE TO OBTAIN OR MAINTAIN A LICENSE OR RENEWED LICENSE
38 FROM THE CITY CLERK PURSUANT TO THIS CHAPTER; OR

39
40 (5) FAILURE OF THE LICENSEE OR THE MEDICAL MARIHUANA
41 ESTABLISHMENT TO OBTAIN OR MAINTAIN A LICENSE OR APPROVAL
42 FROM THE STATE PURSUANT TO THE MMFLA; OR

43
44 (6) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE
45 CITY TO HAVE BECOME A PUBLIC NUISANCE OR OTHERWISE IS

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1 OPERATING IN A MANNER DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY
2 OR WELFARE.

3
4 (C) APPEAL OF DENIAL OF AN APPLICATION OR REVOCATION OF A
5 LICENSE: THE CITY CLERK SHALL NOTIFY AN APPLICANT OF THE REASON(S)
6 FOR DENIAL OF AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL OR
7 FOR REVOCATION OF A LICENSE OR ANY ADVERSE DECISION UNDER THIS
8 CHAPTER AND PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO BE
9 HEARD. ANY APPLICANT AGGRIEVED BY THE DENIAL OR REVOCATION OF A
10 LICENSE OR ADVERSE DECISION UNDER THIS CHAPTER MAY APPEAL TO THE
11 CITY CLERK, WHO SHALL APPOINT A HEARING OFFICER TO HEAR AND
12 EVALUATE THE APPEAL AND MAKE A RECOMMENDATION TO THE CLERK.
13 SUCH APPEAL SHALL BE TAKEN BY FILING WITH THE CITY CLERK, WITHIN 14
14 DAYS AFTER NOTICE OF THE ACTION COMPLAINED OF HAS BEEN MAILED TO
15 THE APPLICANT’S LAST KNOWN ADDRESS ON THE RECORDS OF THE CITY
16 CLERK, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS FOR
17 THE APPEAL. THE CLERK SHALL REVIEW THE REPORT AND
18 RECOMMENDATION OF THE HEARING OFFICER AND MAKE A DECISION ON
19 THE MATTER. THE CLERK’S DECISION MAY BE FURTHER APPEALED TO THE
20 COMMISSION IF APPLIED FOR IN WRITING TO THE COMMISSION NO LATER
21 THAN THIRTY (30) DAYS FROM THE CLERK’S DECISION. THE REVIEW ON
22 APPEAL OF A DENIAL OR REVOCATION OR ADVERSE ACTION SHALL BE BY
23 THE COMMISSION PURSUANT TO SECTION 1300.3. ANY DECISION BY THE
24 COMMISSION ON AN APPEAL SHALL BE FINAL FOR PURPOSES OF JUDICIAL
25 REVIEW. THE CLERK MAY ENGAGE PROFESSIONAL EXPERTS TO ASSIST WITH
26 THE PROCEEDINGS UNDER THIS SECTION 1300.15.

27
28 **1300.16 – PENALTIES; TEMPORARY SUSPENSION OF A LICENSE**

29
30 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A
31 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY
32 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR
33 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED
34 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE
35 REVOCATION;

36
37 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER,
38 INCLUDING THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT
39 WITHOUT A LICENSE ISSUED PURSAUNT TO THIS CHAPTER, SHALL BE SUBJECT
40 TO A CIVIL FINE AND COSTS. INCREASED CIVIL FINES MAY BE IMPOSED FOR A
41 REPEAT VIOLATION. AS USED IN THIS SECTION “REPEAT VIOLATION” SHALL
42 MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE SAME
43 REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR ESTABLISHMENT
44 WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE SPECIFICALLY PROVIDED
45 IN THIS CHAPTER, THE PENALTY SCHEDULE IS AS FOLLOWS:

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- 1 1. \$750, PLUS COSTS, FOR THE FIRST VIOLATION;
- 2 2. \$1,000, PLUS COSTS, FOR A REPEAT VIOLATION;
- 3 3. \$1,000, PLUS COSTS, PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT
- 4 CONTINUES FOR MORE THAN ONE DAY.

5
6 (C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN 45
7 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS
8 OTHERWISE SPECIFIED IN THE ORDER;

9
10 (D) THE CLERK MAY TEMPORARILY SUSPEND A MEDICAL MARIHUANA
11 ESTABLISHMENT LICENSE WITHOUT A PRIOR HEARING IF THE MAYOR FINDS
12 THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION
13 AFFECTING THE PUBLIC HEALTH, SAFETY, OR WELFARE. THE CLERK SHALL
14 CAUSE THE TEMPORARY SUSPENSION BY ISSUING A SUSPENSION NOTICE IN
15 CONNECTION WITH INSTITUTION OF PROCEEDINGS FOR NOTICE AND A
16 HEARING;

17
18 (E) IF THE CLERK TEMPORARILY SUSPENDS A LICENSE WITHOUT A PRIOR
19 HEARING, THE LICENSEE IS ENTITLED TO A HEARING WITHIN THIRTY (30)
20 DAYS AFTER THE SUSPENSION NOTICE HAS BEEN SERVED ON THE LICENSEE
21 OR POSTED ON THE LICENSED PREMISES. IN THE CASE OF A LICENSE ISSUED
22 FOR A MEDICAL MARIHUANA GROWER FACILITY, THE HEARING SHALL BE
23 HELD WITHIN SEVEN (7) DAYS AFTER THE NOTICE HAS BEEN SERVED ON THE
24 LICENSEE OR POSTED ON THE PREMISES OF THE LICENSED FACILITY. THE
25 HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION
26 NOTICE;

27
28 (F) IF THE CLERK DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS
29 AFTER THE DATE THE SUSPENSION WAS SERVED ON THE LICENSEE OR
30 POSTED ON THE LICENSED PREMISES, OR IN THE CASE OF A GROWER
31 FACILITY SEVEN (7) DAYS, THEN THE SUSPENDED LICENSE SHALL BE
32 AUTOMATICALLY REINSTATED AND THE SUSPENSION VACATED.

33
34 (G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED TO
35 FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE AVAILABLE
36 TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL PROSECUTION.

37
38 **1300.17 -NO VESTED RIGHTS**

39 A PROPERTY OWNER LESSOR, LICENSE APPLICANT, OR LICENSEE SHALL NOT
40 HAVE VESTED RIGHTS OR NONCONFORMING USE RIGHTS THAT WOULD SERVE
41 AS A BASIS FOR FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT
42 OF THIS CHAPTER.

43
44 **1300.18 –ZONING BOARD OF APPEALS**

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1 (A) WHEN APPLYING FOR A LICENSE AS A PROVISIONING CENTER, AN
2 APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF SECTION
3 1300.13(A)(1)OR(2) MAY SEEK A VARIANCE FROM THOSE REQUIREMENTS BY
4 SUBMITTING WITH THEIR APPLICATION A WRITTEN APPLICATION TO THE
5 BOARD OF ZONING APPEALS AND PAYING A FEE SET BY COUNCIL
6 RESOLUTION. UPON RECEIVING AN APPLICATION WITH AN
7 ACCOMPANYING APPLICATION FOR A VARIANCE, THE CITY CLERK SHALL
8 DETERMINE WHETHER THE APPLICANT HAS SUBMITTED A COMPLETE
9 APPLICATION MEETING THE REQUIREMENTS OF THIS CHAPTER, AN
10 APPROPRIATE NONREFUNDABLE LICENSE APPLICATION FEE, AND AN
11 APPROPRIATE VARIANCE APPLICATION FEE. IF THE APPLICANT HAS
12 SATISFIED THESE REQUIREMENTS AND THE APPLICANT HAS RECEIVED
13 WRITTEN APPROVALS REQUIRED UNDER THIS CHAPTER, THE CITY CLERK
14 SHALL IMMEDIATELY FORWARD THE APPLICATION TO THE BOARD OF ZONING
15 APPEALS.

16 (1) THE APPLICATION MUST IDENTIFY ALL OF THE REASONS THE
17 APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION
18 1300.13(A), INCLUDING, IF APPLICABLE, THE NAME AND ADDRESS
19 OF ANY SUBSTANCE ABUSE TREATMENT, PREVENTION, OR
20 REHABILITATION FACILITY; CHURCH OR OTHER STRUCTURE USED
21 FOR RELIGIOUS SERVICES; PUBLIC PARK CONTAINING PUBLIC
22 PLAYGROUND EQUIPMENT; OR PROVISIONING CENTER THAT IS
23 WITHIN 500 FEET OF THE APPLICANT’S LOCATION.
24

25 (2) UPON RECEIPT OF A APPLICATION MEETING THE REQUIREMENTS OF
26 SUBSECTION (A), THE BOARD SHALL GIVE NOTICE TO THE
27 OCCUPANTS OF ANY RESIDENTIAL OR COMMERCIAL BUILDINGS
28 WITHIN THE BUFFERED USE DISTANCES SET FORTH IN SECTION
29 1300.13(A) OF THE APPLICANT’S LOCATION. IF THE OCCUPANT’S
30 NAME IS NOT KNOWN, THE TERM “OCCUPANT” MAY BE USED. THE
31 NOTICES SHALL BE DELIVERED PERSONALLY OR BY MAIL AT THE
32 ADDRESS GIVEN IN THE LAST ASSESSMENT ROLL.
33

34 3) THE BOARD OF ZONING APPEALS SHALL EITHER GRANT OR
35 DENY THE VARIANCE WITHIN A REASONABLE TIME. IN
36 DETERMINING WHETHER TO GRANT OR DENY THE VARIANCE,
37 THE BOARD OF ZONING APPEALS SHALL CONSIDER ALL OF THE
38 FOLLOWING:

39 (I) THE AMOUNT OF TIME, IF ANY, THAT THE APPLICANT
40 HAS LEGALLY BEEN OPERATING AT THE PRESENT
41 LOCATION;

42 (II) THE EXTENT TO WHICH THE APPLICANT HAS
43 DEMONSTRATED A COMMITMENT TO THE LAND USE AND
44 PUBLIC NUISANCE CONCERNS IN THE SURROUNDING
45 NEIGHBORHOOD;

46 (X) THE DISTANCE BETWEEN THE APPLICANT’S LOCATION
47 AND ANY MEDICAL MARIHUANA PROVISIONING CENTER
48 THAT IS WITHIN 500 FEET OF THE APPLICANT’S LOCATION.

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- 1 (IV) THE NEED FOR A PROVISIONING CENTER AT THE
2 LOCATION IN ORDER TO PROVIDE THE SAFE AND EFFICIENT
3 ACCESS TO MEDICAL MARIHUANA WITHIN THE CITY;
4 (XI) THE CHARACTER OF THE STRUCTURE AND ITS
5 SURROUNDINGS; AND
6 (VI) THE IMPACT OF THE VARIANCE ON THE CHARACTER OF
7 THE STRUCTURE’S SURROUNDINGS AND OWNERS OF OTHER
8 PROPERTIES IN THE VICINITY.

- 9
10 (4) IF THE BOARD OF ZONING APPEALS APPROVES THE
11 VARIANCE, THE APPLICATION AND DECISION SHALL IMMEDIATELY
12 BE SUBMITTED TO THE CITY CLERK FOR FURTHER PROCESSING
13 UNDER THIS CHAPTER..
14

15 **1300.19-SUNSET**

16
17 PURSUANT TO SECTION 3-307 OF THE LANSING CITY CHARTER, THIS CHAPTER
18 SHALL EXPIRE DECEMBER 1, 2027.

19
20 SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES,
21 RESOLUTIONS OR RULES, INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY
22 REPEALED IN THEIR ENTIRETY AND SHALL BE VOID AND OF NO EFFECT.

23 SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE
24 DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE
25 ORDINANCE AS A WHOLE, OR ANY PART THEREOF, OTHER THAN THE PART DECLARED
26 TO BE INVALID.

27 SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER
28 ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.