

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; Article XVI, Medical Marihuana Provisioning Centers, Section 12-95.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; amending Article XVI, Section 12-95, Medical Marihuana Provisioning Centers, by changing the references to Medical Marihuana Provisioning Centers to Medical Marihuana Facilities, consistent with the licenses and standards set forth in Chapter 50, Zoning, Article XXXII, Section 50-183, Medical Marihuana Facilities Opt In Ordinance, which shall read in its entirety as follows:

ARTICLE XVI. MEDICAL MARIHUANA ~~PROVISIONING CENTERS~~ FACILITIES.

§12-95. STANDARDS FOR MEDICAL MARIHUANA ~~PROVISIONING CENTERS~~ FACILITIES.

(a) All Medical Marihuana ~~Provisioning Centers~~ FACILITIES shall be subject to any other applicable provisions of the Flint City Code. Medical Marihuana ~~Provisioning Centers~~ FACILITIES shall also comply with the Michigan Medical Marihuana Act (MCL 333.26421 et seq.); AS AMENDED ("MMMA"), THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ., (MMFLA), THE MARIHUANA TRACKING ACT (MTA), MCL 333.27901, ET SEQ., the general rules of the Michigan Department of Community Health, THE RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), and other applicable State laws.

(b) **DEFINITIONS.** For the purpose of the code, the following definitions— **THE DEFINITIONS SET FORTH IN CHAPTER 50, ZONING, ARTICLE XXXII, MEDICAL MARIHUANA FACILITIES** shall apply:

~~PROVISIONING CENTER~~ includes (1) any building, structure or lot where more than 25% is used to cultivate marihuana, or (2) any building, structure, or lot where three (3) or more caregivers are cultivating, storing, delivering, transferring, or providing qualifying patients with medical marihuana.

(c) No person shall operate a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** without the ~~Provisioning Center~~ **FACILITY** having first obtained and being in possession of a valid ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license **LICENSES** issued by the Department **CITY OF FLINT AND THE STATE OF MICHIGAN.**

(1) ~~A Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license application shall be made annually on forms provided by the Department **CITY OF FLINT CONSISTENT WITH THE TERMS SET FORTH IN CHAPTER 50, ZONING, ARTICLE XXXII, MEDICAL MARIHUANA FACILITIES.** ~~which shall require the full legal name and date of birth of each primary caregiver, the address of the intended location of the Provisioning Center, a copy of the approved special use permit for the identified address, a copy of each primary caregiver's registry identification card, and information about whether marihuana will be grown on the premises.~~

(2) The Chief of Police shall **MAY** conduct a criminal background check of the applicant, and a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license

shall not be issued to any person who has been convicted of any felony involving illegal drugs, or for other reasons identified by the Chief of Police to protect the health, safety and welfare of the community. Drug related felony offenses does not include a conviction for activity allowed under the Michigan Medical Marihuana Act, even if the activity occurred before the enactment of the Michigan Medical Marihuana Act.

(3) The applicant shall submit an affidavit of the property owner declaring that the owner is aware of the proposed ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY**. The affidavit form will be provided by the ~~Department~~ **CITY OF FLINT**.

(4) The applicant shall submit a tax clearance form demonstrating that city taxes are current. The form will be provided by ~~Department~~ **CITY OF FLINT**.

(5) The applicant shall obtain a special regulated use permit before applying for a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license, and submit the permit along with the application.

(6) The non-refundable fee to submit an application for a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license shall be **ONE THOUSAND**, five hundred (\$1500.00) dollars.

(7) The annual fee for a Provisioning Center license shall be five thousand (\$5,000.00) dollars (with the application fee deducted from that amount).

(8) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application. **THE PROCESS FOR OTHERWISE TRANSFERRING LICENSES IS SET FORTH IN CHAPTER 50, ZONING, ARTICLE XXXII, MEDICAL MARIJUANA FACILITIES.**

(9) Compliance with all applicable laws, as enforced, is a condition of maintenance of a license.

(10) Each day that a person shall conduct a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** without a license shall constitute a separate offense.

(d) No person shall act as an employee or volunteer of a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY WITHOUT COMPLIANCE WITH THE TERMS SET FORTH IN CHAPTER 50, ZONING, ARTICLE XXXII, MEDICAL MARIJUANA FACILITIES** ~~having secured a Provisioning Center employee license issued by the Department.~~

~~(1) A Provisioning Center employee license application shall be made annually on forms provided by the department of planning and development which shall include the address of the Provisioning Center, and the full legal name, date of birth, and driver license or state identification number of the applicant. The applicant shall also submit proof that they are at least eighteen years old and state whether they have been convicted of any felony involving illegal drugs, or for other reasons identified by the Chief of Police to protect the health, safety and welfare of the community. Drug~~

~~related felony offenses does not include a conviction for activity allowed under the Michigan Medical Marihuana Act, even if the activity occurred before the enactment of the Michigan Medical Marihuana Act.~~

~~(2) The Chief of Police shall conduct a criminal background check of the applicant, and a Provisioning Center employee license shall not be issued to any person who has been convicted of any felony involving illegal drugs, or for other reasons identified by the chief of police to protect the health, safety and welfare of the community. Drug related felony offenses does not include a conviction for activity allowed under the Michigan Medical Marihuana Act, even if the activity occurred before the enactment of the Michigan Medical Marihuana Act.~~

(3) The non-refundable annual employee license application fee shall be **ONE HUNDRED FIFTY (\$150.00) DOLLARS.**

(4) A license is valid only for the location identified on the license and cannot be transferred to another location within the City without a new application.

(5) Compliance with all applicable laws, as enforced, is a condition of maintenance of a license.

(6) Each day that a person shall work as an employee of a ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** without a license shall constitute a separate offense.

(e) The following additional standards shall apply to ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITIES:**

(1) All medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensed ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** employee.

(2) All transfers and deliveries of medical marihuana must occur within a structure.

(3) Provisioning Centers, **AS DEFINED IN CHAPTER 50, ZONING, ARTICLE XXXII, MEDICAL MARIJUANA FACILITIES**, shall be limited to operating between 8:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday. **NO OTHER MEDICAL MARIJUANA FACILITY SHALL BE OPEN TO THE PUBLIC AT ANY TIME.**

(4) Persons under the age of eighteen (18) years of age are not permitted to be on the premises of any Provisioning Center unless they possess a valid registry card and parent or legal guardian.

(5) Marihuana shall not be smoked, eaten, or otherwise consumed at any ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY.**

(f) An inspection of the building out of which a provisioning center operates shall be required every year. The inspection fee shall be established by resolution of the city council.

(g) Every ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** shall provide immediate access to the premises where business is conducted or property is stored, to any police officer, the building inspector or the fire

marshal, without warrant, during regular hours of business, or at any time the ~~Provisioning Center~~ **MEDICAL MARIJUANA FACILITY** license holder or his employee or agent are on the premises.

~~(h) No more than fifteen (15) caregivers may collectively operate at a Provisioning Center.~~

~~(i) Medical Marihuana Provisioning Centers operating on the effective date of this Ordinance shall have forty five (45) days to obtain a Provisioning Center license and Provisioning Center employee license(s). After that grace period, all Medical Marihuana Provisioning Centers operating in the City of Flint must fully comply with the provisions of this Ordinance.~~

Sec. 2. This ordinance shall become effective immediately upon adoption.

Adopted this _____ day of
_____ 2018, A.D.

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer