



# CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER  
GOVERNMENT

Council members and  
other officials normally in  
attendance.

## AGENDA

**COUNCIL MEETING**  
**Monday, March 2, 2020**  
**7:00 P.M.**

**David Atchison**  
Mayor

**Vicky Clark**  
Council Member  
1<sup>st</sup> Precinct

**Lenn Reid**  
Council Member  
2<sup>nd</sup> Precinct

**Al Smith**  
Council Member  
3<sup>rd</sup> Precinct

**Marcola Lawler**  
Council Member  
4<sup>th</sup> Precinct

**Jeanette Spicer**  
Council Member  
5<sup>th</sup> Precinct

**Shane Williamson**  
Mayor Pro Tempore  
Council Member  
6<sup>th</sup> Precinct

**Darwin McClary**  
City Manager

**The Harkness Law Firm**  
Atty Cullen Harkness

**Jill Domingo**  
City Clerk

NOTICE FOR PERSONS WITH  
HEARING IMPAIRMENTS  
WHO REQUIRE THE USE OF A  
PORTABLE LISTENING DEVICE

Please contact the City  
Clerk's office at  
517.629.5535 and a listening  
device will be provided  
upon notification. If you  
require a signer, please  
notify City Hall at least five  
(5) days prior to the posted  
meeting time.

### **PLEASE TURN OFF CELL PHONES DURING MEETING**

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)
- VI. PRESENTATIONS AND RECOGNITIONS
  - A. Proclamation Designating March 2020 as March for Meals Month
  - B. Proclamation Recognizing March as Women's History Month
  - C. Preventing Marijuana Abuse by Youth-Albion Homer Substance Abuse Coalition
- VII. PUBLIC HEARING-None
- VIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- IX. CLOSED SESSION –The Mayor requests a Closed Session under the Open Meetings Act (Section 15.268 (h), P.A. 267, as amended) to consider material exempt from discussion or disclosure by state or federal statute.
- X. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
  - A. Approval Regular Session Minutes, February 18, 2020
  - B. Approval of Traffic Control Order that Effective Immediately the Travel Lanes on the North Albion Street Bridge shall be Reduced by Six (6) Feet in Each Direction from Each Sidewalk Curb in Accordance with the Attached Engineer's Schematic to Redirect Traffic to the Center of the Bridge Using Appropriate Construction Barrels or Other Lawful Light-Weight Barricades. Yield Signs shall be Placed Immediately Before the Approaches to the Bridge from Each Direction to Instruct Motorists to Yield to Traffic Already in Transit Across the Bridge



# CITY OF ALBION

## CITY COUNCIL MEETING AGENDA

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### XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Request Approval 2<sup>nd</sup> Reading & Adoption Ordinance # 2020-02, An Ordinance to Amend Chapter 22, Article IV, to Amend Sections 22-181 and 22-183, Outdoor and Sidewalk Cafes
- B. Discussion-Juneteenth Celebration
- C. Discussion/Approval Fee for Special Events
- D. Discussion Code Enforcement Priorities
- E. Discussion-Four Day Work Week
- F. Request Approval of the Proposed New Credit/Purchase Card Policy for the City of Albion which Requires Additional Authorization before Any Changes and/or Modifications (Including the Issuance of Additional Cards) Can be Made to the City's Credit Card Account. This Will Significantly Reduce the Potential for Financial Loss from Misuse
- G. Discussion-Adult Use Marijuana Establishments
- H. Request Approval to Waive Attorney-Client Privilege and Publicly Release the Third-Party Investigation Report Submitted by Thrun Law Firm
- I. Request Approval of City Manager Performance Review Process
- J. Update on City Sidewalk Committee
- K. Discussion Submission of Kalamazoo River Restoration Ideas
- L. Request Approval of the Three-Year Lease Agreement with Caron Chevrolet in the Amount of \$ 538.81 and \$781.81 due at signing for a 2020 Chevrolet Blazer and Authorize the Mayor and City Clerk to Execute any Necessary Documents on Behalf of the City which may be Required to Effectuate the Same

### XII. FUTURE AGENDA ITEMS

XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

### XIV. CITY MANAGER REPORT

### XV. MAYOR AND COUNCIL MEMBER COMMENTS

### XVI. MOTION TO EXCUSE ABSENT COUNCIL MEMBER (S)



# CITY OF ALBION CITY COUNCIL MEETING AGENDA

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City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

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XVII. ROLL CALL

XVIII. ADJOURN

City of Albion  
Council Session Minutes  
February 18, 2020

I. CALL TO ORDER

Mayor Atchison called the regular meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Marcola Lawler (4)

STAFF PRESENT:

Darwin McClary, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City; Haley Snyder, Interim Assistant City Manager/Deputy Clerk/Treasurer; John Tracy, Director Planning, Building & Code Enforcement; Tom Mead, Finance Director and Scott Kipp, Chief Public Safety.

V. APPROVAL OF THE AGENDA (Includes any proposed additions, deletions or other changes to the agenda)

Council Member Williamson asked to amend Agenda Item (E- Discussion/Approval 1<sup>st</sup> Reading Ordinance # 2020-03, An Ordinance to Add Chapter 17 License to Operate Single, Two-Family and Multi-Family Rental Structures) under Items for Individual Discussion to Discussion only.

Williamson moved, Reid supported, CARRIED, to Approve the Agenda Amending Agenda Item (E- Discussion/Approval 1<sup>st</sup> Reading Ordinance # 2020-03, An Ordinance to Add Chapter 17 License to Operate Single, Two-Family and Multi-Family Rental Structures) under Items for Individual Discussion to Discussion only. (6-0, vv)

VI. PRESENTATIONS

A. Project Rising Tide Final Report Presentation-Linda LaNoue

Linda LaNoue, Rising Tide Community Fellow asked everyone to join the celebration of the City of Albion's [Project Rising Tide](#) Graduation and

Redevelopment Ready Communities Certification! The Michigan Economic Development Corporation will be acknowledging Albion's accomplishment as the 38<sup>th</sup> community to be certified as a Redevelopment Ready Community. Come to downtown Albion for light refreshments, plus learn more about each initiative and meet with your state and local representatives.

Comments were received from Council Member Clark and Mayor Atchison.

B. Update on Grocery Desert Committee/Precinct 1 Meeting-Council Member Clark

Council Member Clark stated the committee has met with one store who is interested in coming to Albion and that they will be meeting with them on Thursday. She stated the committee will be meeting with three other grocery stores as well.

The Precinct 1 meeting had approximately twenty-five (25) people come to the meeting. They had a representative from Neighborhood Inc. who's focus is to promote stable, healthy homes and neighborhoods by providing services and educational programs focused on low to moderate income families. Most of those in attendance filled out applications. Also discussed was code enforcement and city ordinances. The highest concern of the precinct is code enforcement and sidewalks. There will be another meeting in April and all residents are welcome and encouraged to attend.

Comments were received from City Manager McClary and Mayor Atchison.

C. Peabody Newgrass Festival-Ben Wade, Malleable

Ben Wade, Albion Malleable Brewery would like to hold the Peabody Newgrass Festival on Saturday, July 18, 2020 in and around the public parking lot west of the buildings on the Peabody block (400 block) of South Superior St. This would be a day long music event in downtown Albion. This event is intended to attract bluegrass and Americana fans from around the state. They currently have six (6) bands holding the proposed date. They are looking to secure the appropriate permits and permissions as well as sponsorship to help with the event cost. The estimated audience for this event would be approximately four hundred (400) people. They are requesting to close Ash Street for the day for both street use and the safety of those entering and exiting the festival from the Ash Street lot entrance. The parking lot will be fenced off temporarily to allow for ticketed entry to the stage area. Port-a-johns and trash receptacles will be made available within the fenced in area. The brewery will set up tents within the festival area for food and beer service outside and will be responsible for monitoring the festival. Tickets are expected to be \$30.00. Albion Malleable will be accepting liability for the

event, as in part the licensing permitting beer service will essentially consider the entire parking lot area to be an extension of the business for the duration of the event. It will be permitted as a temporary beer service area by the Michigan Liquor Control Commission (MLCC).

In order to get MLCC approval for outdoor service on city property, Albion Malleable must have city permission to use the Peabody parking lot as well as the section of Ash Street between Superior & S. Clinton St. The proposed area for beer service will be within the parking lot area only-the street will be used for foot traffic and potentially for food & art vendors during the event.

Comments were received from Council Members Smith, Clark and Spicer and Mayor Atchison.

VII. PUBLIC HEARINGS-None

VIII. PUBLIC Comments (Persons addressing the City Council shall limit their comments to agenda items and to no more than three (3) minutes. Proper decorum is required.)

Comments were received from Jim Stahl, 27780 H Drive N; Donisha Rogers, 119 N. Superior St; Lavada Weeks, 917 Luther Dr; Cindy Geyer, 904 Irwin Avenue; Brian Mull, 24772 J Drive; Elaine Barry-Gott, 307 S. Ionia St; Cheryl Mull, 24772 J Drive; Sabrina Witt, 218 Pine St and Bill Dobbins, 15901 Dobbins Dr.

IX. CLOSED SESSION- The City Attorney requests a Closed Session under the Open Meetings Act (Section 15.268 (h), P.A. 267 of 1976, as amended) to consider material exempt from discussion or disclosure by state or federal statute.

Williamson moved, Smith supported, CARRIED to adjourn to Closed Session. (6-0, vv)

Mayor Atchison adjourned to closed session at 7:35 p.m.

Mayor Atchison re-convened the regular session at 7:47 p.m.

ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Jeanette Spicer (5) and Shane Williamson (6) and Mayor Atchison.

ABSENT: Marcola Lawler (4)

X. CONSENT CALENDAR (VV) Items on the Consent Calendar are voted on as one unit)

- A. Approval Study Session Minutes, January 29, 2020
- B. Approval Regular Session Minutes, February 3, 2020
- C. Approval Study Session Minutes, February 10, 2020

Smith moved, Williamson supported, CARRIED, to approve the Consent Calendar as presented. (6-0, vv)

XI. ITEMS FOR INDIVIDUAL DISCUSSION

- A. Discussion/Approval to Adopt the FY 2020 City of Albion Fee Schedule as presented and or Modified and Authorize Administration to Implement the Fee Schedule as Adopted

Comments were received from Council Members Smith, Williamson and Spicer; City Manager McClary and City Attorney Harkness.

Council Member Williamson asked to amend the motion to Remove Explanation of Notes for All Sewer Connection Items.

Williamson moved, Spicer supported, CARRIED, to Remove Explanation of Notes for All Sewer Connection Items. (6-0, vv)

Williamson moved, Reid supported, CARRIED, to Approve the Adoption of the FY 2020 City of Albion Fee Removing Explanation of Notes for All Sewer Connection Items and Authorize Administration to Implement the Fee Schedule. (5-1, rcv) (Smith dissenting)

- B. Request Approval of the Memorandum of Understanding Between the Calhoun County Land Bank Authority and the City of Albion Setting Forth the Terms and Conditions for the City's Contributions to the Union Steel Building Demolition Project, Property Located at 501 North Berrien Street, Albion, Michigan, in the Total Amount of \$300,000 to be Paid in Certain Increments Over a Five-Year Period between 2020 and 2024, and to Authorize the Mayor and City Clerk to Execute the Memorandum of Understanding on Behalf of the City

Comments were received from Council Members Clark and Williamson; City Attorney Harkness; City Manager McClary and Krista Trout, Executive Director Calhoun County Land Bank

Williamson moved, Reid supported, CARRIED, to Approve the Memorandum of Understanding Between the Calhoun County Land Bank Authority and the

City of Albion Setting Forth the Terms and Conditions for the City's Contributions to the Union Steel Building Demolition Project, Property Located at 501 North Berrien Street, Albion, Michigan, in the Total Amount of \$300,000 to be Paid in Certain Increments Over a Five-Year Period between 2020 and 2024, and to Authorize the Mayor and City Clerk to Execute the Memorandum of Understanding on Behalf of the City as presented. (6-0, rcv)

- C. Request Approval to Direct Administration to Take No Action on the Renewal of the City of Albion's "The Smart Community" Trademark with the USPTO and Allow the Trademark to Expire due to a Finding by the City Council that the Trademark is No Longer Advantageous to the City

Williamson moved, Spicer supported, CARRIED, to Approve Directing Administration to Take No Action on the Renewal of the City of Albion's "The Smart Community" Trademark with the USPTO and Allow the Trademark to Expire due to a Finding by the City Council that the Trademark is No Longer Advantageous to the City as presented. (6-0, vv)

- D. Discussion 1<sup>st</sup> Reading Ordinance # 2020-02, An Ordinance to Amend Chapter 22, Article IV, to Amend Sections 22-181 and 22-183, Outdoor and Sidewalk Cafes

Comments were received from Council Members Smith and Reid and City Attorney Harkness.

Clark moved, Williamson supported, CARRIED, to Approve 1<sup>st</sup> Reading Ordinance # 2020-02, An Ordinance to Amend Chapter 22, Article IV, to Amend Sections 22-181 and 22-183, Outdoor and Sidewalk Cafes as presented. (6-0, rcv)

- E. Discussion 1<sup>st</sup> Reading Ordinance # 2020-03, An Ordinance to Add Chapter 17 License to Operate Single, Two-Family and Multi-Family Rental Structures

Council Questions/Comments:

- Need to have a discussion of fees and terms. Council does not want to make it hard for landlords who comply
- Underlying issues going on
- Council needs to have a discussion on code enforcement and what the priorities should be
- Code enforcement needs to be done fairly and on complaint basis
- Need new voices for the Rental Certification Committee
- How many rentals does the City have?
- Need to begin with rental registration and work with the landlords to see where we go from there

- Frustrated with the process and would like to have a new committee
- Every run-down home is not a rental, several are owner occupied

Council Member Clark and Williamson will work with City Manager McClary to bring a resolution to the Council for Code Enforcement priorities.

The committee will work with the Mayor and City Manager to find funding for data research so data driven decisions can be made.

The Committee will bring back new recommendations

Comments were received from Council Members Clark, Williamson, Spicer and Smith; Mayor Atchison and City Manager McClary.

- F. To Approve the Engagement Letter from Maner Costerisan PC Dated January 3, 2020, as Presented to Perform and Report the Annual Audit of the City of Albion's Financial Records for the Fiscal Year Ending December 31, 2019, at a Cost not to Exceed \$34,300.00 and Authorize the Finance Director/Treasurer to Execute all Necessary Documents on Behalf of the City Relating to the Engagement Letter and the Auditing Services Provided Thereunder

Williamson moved, Clark supported, CARRIED, To Approve the Engagement Letter from Maner Costerisan PC Dated January 3, 2020, as Presented to Perform and Report the Annual Audit of the City of Albion's Financial Records for the Fiscal Year Ending December 31, 2019, at a Cost not to Exceed \$34,300.00 and Authorize the Finance Director/Treasurer to Execute all Necessary Documents on Behalf of the City Relating to the Engagement Letter and the Auditing Services Provided Thereunder as presented. (6-0, rcv)

- G. Request Approval Verizon Wireless Agreement

Comments were received from City Attorney Harkness

Williamson moved, Reid supported, CARRIED, To Approve Verizon Wireless Agreement as presented. (6-0, rcv)

- H. Request Approval Boards & Commissions Appointments:

- Ben Wallace, Initial Appointment, EDC Board of Directors for Workforce Development, Term to Expire at Completion of Project
- Paul Koehn Recreation Commission, Initial Appointment, Term to Expire 2-21-2023
- Andy French Recreation Commission, Initial Appointment, Term to Expire 2-21-2022

Comments were received from Council Member Spicer

Smith moved, Reid supported, CARRIED, To Approve Boards and Commissions as presented above. (6-0, vv)

I. Request Approval Resolution # 2020-11, To Conditionally Approve Peabody Newgrass Festival

Williamson moved, Smith supported, CARRIED, To Approve Resolution # 2020-11, To Conditionally Approve Peabody Newgrass Festival as presented. (6-0, vv)

XII. FUTURE AGENDA ITEMS

The following items were requested for the next agenda:

Council Member Williamson asked for the following items:

- Set fee for special events and add to 2020 fee schedule
- Resolution for Code Enforcement

Council Member Reid asked for Discussion on Juneteenth Celebration

XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)

Comments were received from Mark Goodman, Franklin, Michigan; James Stahl, 27780 H Drive N; Bill Dobbins, 15901 Dobbins Dr; Lavada Weeks, 917 Luther Dr; Albert Amos, 400 Burr Oak St; Jim Stuart, 205 W. Oak St; Brian Mull, 24772 J Drive; Cheryl Mull, 24772 J Drive; Juanita Solis-Kidder, 1211 Edwards St; Carol Smith, 1209 Adams St and Calhoun County Commissioner Gary Tompkins.

XIV. CITY MANAGER REPORT

City Manager McClary included a written report in the Council packets detailing the following:

- North Albion Street Bridge Lane Reduction
- Solid Waste Collection Services Contract
- Sidewalk Program Fund Review Committee
- Recreational Marihuana
- City Manager Extended Hours
- Upcoming Agenda Items

Comments were received from City Attorney Harkness.

XV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Mayor Atchison

XVI. EXCUSE ABSENT COUNCIL MEMBER (S)

Clark moved, Williamson supported, CARRIED, To Excuse Council Member Lawler (4). (6-0, vv)

XVII. ROLL CALL

PRESENT: Vicky Clark (1); Lenn Reid (2); Al Smith (3); Jeanette Spicer (5); Shane Williamson (6) and Mayor Atchison.

ABSENT: Marcola Lawler (4)

XVIII. ADJOURNMENT

Spicer moved, Williamson supported, CARRIED, to adjourn the regular session. (6-0, vv)

Mayor Atchison adjourned the Regular Session at 9:13 p.m.

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Date

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Jill Domingo  
City Clerk



**CITY OF ALBION  
Department of Public Safety**

**Traffic Control Order**

**Order Number: 2020-001**

**Date: February 18, 2020**

**ORDER**

Effective immediately, the travel lanes on the North Albion Street Bridge shall be reduced by six (6) feet in each direction from each sidewalk curb in accordance with the attached engineer's schematic to redirect traffic to the center of the bridge using appropriate construction barrels or other lawful light-weight barricades. YIELD signs shall be placed immediately before the approaches to the bridge from each direction to instruct motorists to yield to traffic already in transit across the bridge.

The Department of Public Services, Street Division, shall immediately install the necessary barricades and signage to effectuate the bridge lane reductions.

This temporary traffic control order shall be effective on February 18, 2020, and shall remain in effect for ninety (90) days or until permanently approved by the Albion City Council, whichever occurs first.

  
\_\_\_\_\_  
Chief of Public Safety

 02-18-20  
\_\_\_\_\_  
City Manager

**Submitted to City Manager: February 18, 2020**

**Submitted to City Clerk: February 18, 2020**

**Submitted to City Council: \_\_\_\_\_**

**Approved by City Council: \_\_\_\_\_**

**Temporary Order Commencement Date: February 18, 2020      Ending Date: Undetermined**

**Permanent Order Effective Date: \_\_\_\_\_**

**CITY OF ALBION  
ORDINANCE #2020-02**

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, TO AMEND  
SECTIONS 22-181 AND 22-183, OUTDOOR AND SIDEWALK CAFES

**Purpose and Finding:**

As the City Council is aware, the Council has previously expressed an interest in the modifying the outdoor and sidewalk café ordinance to allow for expanded use. Presently the ordinance only allows for operation from April 1 through October 31 of each calendar year. The adoption of this ordinance expands the dates of permitted operation. Additionally, given the recent changes to the City's zoning ordinance, the zoning provisions of the ordinance are outdated and required revision. Approval is recommended

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, Article IV of the Codified Ordinances of the City of Albion, is hereby amended, by amending Sections 22-181 and 22-183 as follows:

**ARTICLE IV: OUTDOOR AND SIDEWALK CAFES**

**Section 22-181: Areas of Applicability**

- A. The sidewalk café provisions of this chapter shall apply to the public sidewalk located in any part of the city zoned (CBD).
- B. The outdoor cafe provisions of this chapter shall apply to property within the city that is zoned (CBD) or (MU).

**Section 22-183: Permit Procedures**

- A. The planning department is authorized to issue a revocable seasonal sidewalk café permit to a property owner abutting the public sidewalk to operate a sidewalk café on public sidewalk provided that the standards set forth in this chapter have been complied with by the applicant.
- B. The planning department is authorized to issue a revocable seasonal outdoor café permit to a property owner with enough available private property to permit such operation under the standards set forth in this chapter.
- C. The seasonal permit shall allow the operation of an outdoor café or a sidewalk café from March 1 up to and including December 1 of any calendar year.

- D. An applicant shall remit, with its application, the fee for the permit as determined in the fee schedule as approved by resolution of the city council.
- E. An applicant for a sidewalk café permit shall provide evidence of general liability insurance in the amount of \$1,000,000.00 naming the city as an additional insured.
- F. An applicant shall submit a sketch plan that shall conform to section 22-184.
- G. A permit application shall be submitted on a form available from the planning department and shall state the following:
  - i. Name of the individual/business of the applicant;
  - ii. Individual/business address;
  - iii. Address of sidewalk occupancy;
  - iv. Property owner, if other than the applicant;
  - v. Dates of proposed occupancy;
  - vi. Hours of occupancy;
  - vii. Area of occupancy (square feet) for café;
  - viii. Proposed outdoor use of musical instruments, sound reproduction systems or other entertainment;
  - ix. Disclose whether alcoholic beverages will be served at the outdoor café; and, if so, provide proof of state liquor control commission authorization for such sales;
  - x. If the application is a new application or a renewal of previously approved permit;
  - xi. Written authorization from the owner of the property to submit the application shall be required where the applicant is not the owner of the affected property;
  - xii. If the public sidewalk in front of an adjacent property is to be used, written authorization from said adjacent owner;

- xiii. A copy of any certificate, license or permit issued by the county health department to sell food for human consumption.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on April; 2, 2020 after publication.

First Reading:

Second Reading & Adoption:

February 18, 2020

March 2, 2020

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo,  
Clerk

\_\_\_\_\_  
David Atchison,  
Mayor.



## Council Action Summary Sheet

<b>Agenda Item #:</b>	
<b>Agenda Item Title:</b>	<b><i>DISCUSSION/APPROVAL OF SPECIAL EVENT ALCOHOL SALE OR CONSUMPTION PERMIT FEE</i></b>
<b>Meeting Date:</b>	March 2, 2020
<b>Submitted by:</b>	Darwin McClary, City Manager
<b>Contact Information:</b>	(517) 629-7172; <a href="mailto:dmcclary@cityofalbionmi.gov">dmcclary@cityofalbionmi.gov</a>
<b>Agenda Item Approvals:</b>	<input type="checkbox"/> City Clerk <input type="checkbox"/> Finance Director/Treasurer <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> 4 City Manager

### Background Brief:

Pursuant to Sec. 58-165(3)(f) of the City of Albion Code of Ordinances, city council is being requested to adopt by resolution a fee for the processing of applications for the sale or consumption of alcohol at an event in a public location. Sec. 58-165 allows the city council to approve permits for the sale or consumption of alcoholic beverages in designated locations in conjunction with special events sponsored by nonprofit organizations or businesses after application to the City Clerk. City code requires that the permit application be reviewed by the Chief of Public Safety, Director of Public Services, and Finance Director before being submitted to the city council for consideration for approval. The application may also need to be reviewed by the Director of Planning and the City Attorney.

### Alternatives Analysis:

Do nothing. If the city council takes no action to approve an application fee, the council would be acting contrary to the provisions of city code requiring the establishment of an application fee by resolution. Administration would process permit applications without charging a fee, and the cost of processing these applications would be borne by general taxpayers.

Approve the application fee as recommended by administration. If the city council approves the fee as recommended by administration, the council would be complying with city code, and the fee would offset the administrative costs required to process the permit application.

### Summary of Previous Council Action:

02/18/2020 – Council requests that the establishment of the permit fee be placed on council's March 2, 2020, meeting agenda for consideration.



**Financial Impact:**

Based on an average salary and benefits of relevant city staff of \$65,000, with 20% additional for benefits, one hour of review time costs \$37.50. Additional costs may be necessary if the Director of Planning, City Manager, and/or City Attorney must review the applications. Therefore, the City Manager recommends a permit application fee of \$50.00 for FY 2020.

**Recommended Motion(s):**

To amend the City of Albion FY 2020 Fee Schedule pursuant to Sec. 58-165(3)(f) of the city code of ordinances to add a new fee to be designated as "Special Event Alcohol Sale or Consumption Permit Application Fee" and to set the fee at \$50.00 per application for FY 2020.

**Attachments:**

City of Albion Ordinance No. 2019-06

**CITY OF ALBION  
ORDINANCE #2019-06**

AN ORDINANCE TO AMEND ORDINANCE 58-165, CONSUMPTION OF  
ALCOHOLIC BEVERAGES IN PUBLIC PLACES

**Purpose and Finding:**

Currently the consumption of alcoholic beverages is prohibited in public within the City of Albion except as permitted in Ordinance 58-168 (Victory Park) and 58-169 (Ismon House). There is increasing interest in allowing for outside sales by businesses and non-profit entities during special events, holidays, and fundraisers. As such, modification of the current ordinance is being sought to allow for sale and consumption in public under limited circumstances after approval from the City is obtained.

THE CITY OF ALBION ORDAINS:

**Sec. 58-165. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

1. No person shall consume any beer, wine, or alcoholic beverage while on or in any city street, sidewalk, park, alleyway, parking lot, school property or other property open to the general public, except as set forth in this ordinance.
2. The City Council may permit the sale and consumption of beer, wine, or alcoholic beverages in designated areas of the city in conjunction with events that are sponsored by nonprofit organizations and/or businesses only.
3. A non-profit organization or business that desires to sell and/or consume beer, wine, or alcoholic beverages at an event in a public location shall make written application for the event to the City Clerk. The application shall be on forms provided by the City Clerk and shall include the following:
  - a. Name, signature, phone number, email contact and address of the applicant;
  - b. Location of the event, including a diagram of the location;
  - c. Information regarding the type of event, the dates and times of the event, and the purpose of the event;
  - d. A detailed description of the security measures proposed for the

event, including compliance with regulations of the Michigan Liquor Control Commission;

- e. Evidence of general liability insurance coverage, including a copy of the proof of insurance, with minimum liability of \$300,000 for injury or death to one person or more than one person, and \$100,000 in property damage, with the City of Albion listed as an additional insured, and insurance coverage for liquor liability under the Michigan Liquor Control Code, Act 58 of 1998, as amended.
  - f. An application fee as set by resolution of the Council;
- 4. The application shall be accompanied by a copy of the special licenses for such events obtained from the Michigan Liquor Control Commission;
  - 5. The City Clerk shall forward the completed application to the Albion Department of Public Safety; Department of Public Services and Department of Finance for review and approval before submission to the City Council.
  - 6. Nothing in this ordinance shall be deemed to relieve the applicant of any other obligation to comply with any other applicable federal, state, or local law or regulation.
  - 7. The applicant shall be responsible for ensuring the area used for the event is restored to its pre-event condition. The applicant shall be responsible for trash removal and any damage caused to public property.
  - 8. As used in this ordinance, the following words and phrases shall be defined as follows:
    - a. "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to 1 of the varieties defined in the Michigan Liquor Control Code.
    - b. "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal in potable water.
    - c. "Wine" means the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit

with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from apples or pears, or both, which contains at least 1/2 of 1% of alcohol by volume, or mead or honey wine made from honey, fermented fruit juices other than grapes, and mixed wine drinks.

9. A violation of this Ordinance shall be deemed to be a misdemeanor as set forth in Section 1-26 of the Albion Code of Ordinances.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance;

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Specifically, ordinance 58-186 and 58-169 are hereby repealed and reserved.

This Ordinance shall take effect on September 19, 2019 after publication.

First Reading:

Second Reading & Adoption:

August 5, 2019

August 19, 2019

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo,  
Clerk

\_\_\_\_\_  
David Atchison,  
Mayor.



## Council Action Summary Sheet

<b>Agenda Item #:</b>	XI. E.
<b>Agenda Item Title:</b>	<b><i>DISCUSSION – FOUR-DAY WORK WEEK</i></b>
<b>Meeting Date:</b>	March 2, 2020
<b>Submitted by:</b>	Darwin McClary, City Manager
<b>Contact Information:</b>	(517) 629-7172; <a href="mailto:dmcclary@cityofalbionmi.gov">dmcclary@cityofalbionmi.gov</a>
<b>Agenda Item Approvals:</b>	<input type="checkbox"/> City Clerk <input type="checkbox"/> Finance Director/Treasurer <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> 4 City Manager

### Background Brief:

Administration is requesting that city council authorize a change in city hall business hours to improve convenience to citizens and contractors and to improve the city's ability to attract and retain a quality, talented workforce and the morale and productivity of employees. Currently, city hall is open to the public from 8:00 AM to 5:00 PM, Monday through Friday. Administration is proposing to change city hall hours to either 7:00 AM to 6:00 PM or to 8:00 AM to 7:00 PM, Monday through Thursday. Essential services (Public Safety and Public Services) would continue with their current operational schedules. Public Safety employees already work 12-hour schedules with additional days off, and Public Services employees work from 7:00 AM to 3:30 PM. City hall employees and AFSCME support the change in work schedule.

Some of the benefits from this change would include:

- Convenience to citizens and contractors, since city hall would now be open outside of normal business hours.
- Improved ability to attract quality talent for key positions with the city, since the city would now offer three-day weekends for those positions.
- Increased productivity, since employees would have longer rest periods between work weeks and some employees would opt to catch up on work from home on Fridays.
- Improved employee morale, since employees would enjoy more daytime hours to spend with family, friends, hobbies, and other interests.
- Reduced travel costs for employees.

In Calhoun county, the City of Springfield has already moved to a four-day city hall schedule (7:00 AM – 6:00 PM, Monday through Thursday). A number of other communities throughout Michigan have also made this change.



The transition to this new schedule would require a short-term adjustment period as the public becomes familiar with the expanded Monday-Thursday hours and city hall closure on Fridays. Administration will need to work cooperatively with AFSCME to make necessary changes to the collective bargaining agreement to address overtime pay and holiday provisions and will need to consider reasonable accommodation for one employee in accordance with the Americans with Disabilities Act (ADA).

If council approves the change, administration will announce to the public the change in city hall hours on its web site, social media, city newsletter, water bills, and through other media. The change in hours would take effect on Monday, May 4, 2020.

**Alternatives Analysis:**

Do nothing. If city council opts to continue with the current city hall business hours, the city would continue with its current operational schedule. As it is becoming increasingly difficult to attract and retain quality talent to work at the city, it would be necessary to consider other methods of achieving these goals, including making monetary compensation competitive with comparable communities.

Approve the change in city hall business hours and work schedule. See the Background Brief section above for a discussion on the benefits and considerations.

**Summary of Previous Council Action:**

None

**Financial Impact:**

There may be a nominal cost to announce to the public the change in city hall business hours, but no structural financial impact will result from the schedule change.

**Recommended Motion(s):**

To direct administration to place the matter of the change in city hall business hours and work schedule on the city council's March 16, 2020, regular meeting agenda for consideration for approval.

**Attachments:**

None



# Council Action Summary Sheet

<b>Agenda Item #:</b>	
<b>Agenda Item Title:</b>	<i>Approval of Revised Credit Card/Purchase Card Policy</i>
<b>Meeting Date:</b>	
<b>Submitted by:</b>	TRM
<b>Contact Information:</b>	tmead@cityofalbionmi.gov
<b>Agenda Item Approvals:</b>	<input type="checkbox"/> City Clerk <input type="checkbox"/> Finance Director/Treasurer <input type="checkbox"/> City Attorney <input type="checkbox"/> City Manager

**Background Brief:** The City’s current credit card policy was approved by Council in 2016 with Resolution #2016-18. At the time, the policy was considered to be adequate to meet the needs of the City. However, given the credit card issues that surfaced late in 2018 under the previous City Manager, it was determined that some modifications were necessary to further safe guard the City credit/purchase cards. Primarily, a secondary level of approval is added with this proposed policy so that two positions (the City Manager and the Finance Director) must authorize any and all changes related to the credit card account. Previously, full authority to execute changes were given to just one position, the City Manager. The proposed policy will provide significantly more protection in regards to the safe and proper use of the City’s credit/purchase cards. An additional change adds the EDC Director as an authorized user of the City credit card to enable that department to make purchases in a more proper manner. Currently, many of the EDC purchases have to be made using personal credit cards, requiring the City to then issue reimbursement checks to the employees personally. Whenever possible, City purchases should be made directly by the City, and should not be made by employees who can’t take advantage of the City’s tax exempt status, and who could inadvertently impede warranties, return policies, and other manufacturer product obligations.

**Alternatives Analysis:** The City could continue to operate under its current Credit Card policy from 2016, however, in doing so it would expose the City to potential issues, including possible credit card misuse, as has happened in the past. Having a policy that requires two separate management positions to authorize all changes, including the issuance of new cards, significantly reduces the potential for credit card abuse or misuse.



**Summary of Previous Council Action:** As stated earlier, the Council approved the current credit card policy in 2016 with Resolution #2016-18.

**Financial Impact:** There would be no increased cost to the City for approving this proposed new policy. However, the additional level of protection it would provide would greatly reduce the potential for financial loss to the City in the future.

**Recommended Motion(s):** Request approval of the proposed new credit/purchase card policy for the City of Albion which requires additional authorization before any changes and/or modifications (including the issuance of additional cards) can be made to the City's credit card account. This will significantly reduce the potential for financial loss from misuse.

**Attachments:** The revised credit card policy is attached for Council's review.

Resolution #2016-18

A RESOLUTION AMENDING THE CREDIT CARD POLICY AND PROCEDURES FOR THE CITY OF ALBION PURSUANT TO PUBLIC ACT 266 OF 1995.

WHEREAS, Public Act 266 of 1995 requires all municipalities within the State of Michigan to formulate and maintain written policies when authorizing the use of credit cards for the purchase of goods and services for the official business of the municipality; and

WHEREAS, the City of Albion desires to authorize certain city employees to use credit cards for the purchase of goods and services for the official business of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Albion City Council does hereby adopt and establish the following policy for the use of credit cards for the purchase of goods and services for the official business of the City of Albion:

**ISSUANCE OF CREDIT CARDS**

1. If requested, credit cards may be issued to the following City employees: Mayor, City Manager, Finance Director, City Clerk, Chief of Public Safety, Director of Public Services, Deputy Director of Public Services, Building and Code Enforcement, Economic Development Director and the Recreation Director. Should a department not have a director, the City Manager may authorize the issuance of a credit card to an employee within that department.
2. Department heads may request additional employees be issued credit cards for other employees. Request for additional employees to be issued should be in writing to the City Manager and should outline the specific need for the employee to be issued a credit card.
3. The Finance Director with approval of the City Manager shall be the officer responsible for the issuance, accounting, monitoring, and retrieval of any and all credit cards issued in the name of the City of Albion. Any credit card issued in the name of the City of Albion may only be used for the purchase of goods and services for the official business of the City of Albion. No person shall be allowed to have custody or possession of a credit card in the name of the City of Albion unless said person is an active employee of the City. To this end, any person terminated or voluntarily discontinuing their employment with the City of Albion, any persons on extended sick leave, or any person on leave of absence for any reason other than vacation shall return any City credit cards in their possession to the Finance Director.
4. The Finance Director with approval from the City Manager shall set the necessary credit limits for each card issued.

5. Purchases made via the credit card must comply with the City's purchasing and expenditure policies. The card in no way changes such policies.
6. Anyone using a City of Albion credit card shall sign an agreement to abide by adopted City credit card policy and procedures.
7. In the absence of the City Manager or the Finance Director, the positions of Acting or Assistant for each respective position shall have the same authority.

### **TRANSACTION PROCEDURE**

8. Credit card transactions may be performed in person, over the telephone, through the internet, or through the mail. When using a City credit card, authorized employees are required to follow the below listed procedures, in addition to procedures for management approval and payment of the charges:
  - A. If the transaction is in person, present the credit card to the vendor or merchant and advise that the item(s) is being purchased with a city government credit card. If the transaction is via a telephone, internet, or mail order, the vendor or merchant must be provided with the credit card account number and expiration date of the card.
  - B. All original receipts and credit card statement are to be submitted to the Finance Department-Accounts Payable in a timely manner and must include the account number(s) of where the expense is to be charged along with evidence of appropriate approval.
  - C. Retain copies of all receipts and credit card statements and provide a copy to the Finance Director on request.
  - D. Each authorized Department Head or designated employee is responsible for the use of a City credit card by their department. The Department Head or designee is responsible for ensuring any charges made are authorized City expenditures, and that adequate funding is available within the department's approved budget.
  - E. Each authorized employee making use of a City credit card shall make a full accounting of any expenditures at the same time the periodic credit card billing is received by the City. This full accounting shall include, but not be limited to, the following:
    - 1) A specific listing of any goods and services purchased;
    - 2) The cost of any such goods or services;
    - 3) The dates that the purchases were made;
    - 4) Original receipts to support the transaction(s) reflected on the statement and
    - 5) A statement of the official business purpose for which the goods or services were purchased (if requested).

## **TAX EXEMPT STATUS**

9. An authorized employee using a City credit card shall notify the vendor or merchant that the credit card transaction is tax exempt for goods and services purchased in the State of Michigan (use the attached letter certifying the City's tax exempt status).

## **CREDIT CARD SECURITY**

10. An authorized employee possessing a City credit card shall always treat the credit card with a level of care that will secure the credit card and the account number.
  - A. STORAGE OF THE CREDIT CARD. The City credit card shall be kept in a secure location at all times.
  - B. CREDIT CARD ACCOUNT NUMBER. The City credit card account number shall be guarded carefully. The account number should not be written down or posted.
  - C. LOST OR STOLEN CREDIT CARDS. If a City credit card is lost or stolen, the employee shall immediately notify the Finance Director and the City Manager and the organization issuing the card to report the same.
  - D. PERSONAL LIABILITY. The use of a City credit card by an authorized employee will not impact the cardholder's personal credit history when used for authorized purposes. The City issued credit card is a corporate liability card, not a personal liability card. The cardholder does have a responsibility to use the credit card in an approved manner only and will be held personally liable for using the card for unauthorized purchases or purposes.

## **PROCEDURES FOR CREDIT CARD PAYMENT**

11. The authorized employee shall review and approve all credit card billings received for payment prior to the submission of the statement to the Finance Department-Accounts Payable. The Finance Department-Accounts Payable shall review each credit card billing and all documentation as provided above to guarantee compliance with this Resolution prior to approving such bills for payment. The Finance Director shall review the statements and bring any discrepancies to the attention of the City Manager or Chief of Public Safety (depending upon the discrepancy) for resolution. The outstanding balance due on any credit card account billing statement shall always be paid in full by the due date listed on the statement.

### **PROHIBITED USES**

12. Under no circumstances should Municipal credit cards be used for any of the following:
  - a. Cash advances;
  - b. Standard merchant category exclusions (e.g. liquor or tobacco products);
  - c. Personal use (including the purchase of personal items, or any other items that are not for City use);

### **PENALTY FOR WRONGFUL USE**

13. Any employee of the City of Albion who violates the provisions of this policy will have their credit card privileges suspended and/or revoked, and shall be subject to disciplinary action up to, and including, dismissal, and may be subject to civil or criminal action.

# City of Albion Credit Cardholder Agreement

Requirements for use of a Municipal Credit Card:

1. The credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of, the City of Albion, Michigan.
2. The credit card must be used in accordance with the provisions of the Credit Card Policy established by the City of Albion as attached hereto.

Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the City of Albion for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the City's Personnel Policies, up to and including termination. The City of Albion will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the cardholder agreement.

Credit Card Account Number: \_ \_ \_ \_ \_

Received by: \_\_\_\_\_  
Name (Please Print)

I acknowledge receipt of the attached Credit Card Policy and agree to abide by said policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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*(For City Manager's Office Use Only)*

**Credit Card Returned**

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Chapter 96 - MEDICAL MARIJUANA FACILITIES AND MARIJUANA ESTABLISHMENTS<sup>11</sup>

Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 19-31, § 1, adopted Oct. 7, 2019, changed the title of Chapter 96 from "Medical Marijuana Facilities" to read as set out herein, "Medical Marijuana Facilities and Marijuana Establishments."

7:601. - Legislative Intent.

The city intends to issue permits for and regulate marijuana facilities and marijuana establishments to the extent they are permitted under the Michigan Medical Marijuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marijuana Act. The city does not intend that permitting and regulation under this chapter be construed as a finding that such facilities comply with any law. By requiring a permit and compliance with the requirements of this chapter, the city intends to protect the public health, safety and welfare.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:602. - Definitions.

- (1) Words and phrases contained in the Michigan Medical Marijuana Facilities Licensing Act, MCL 33327101 et seq., the Medical Marijuana Act, MCL 333.26421 et seq., the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., and the rules or emergency rules promulgated pursuant to any of these acts, shall have the same meanings in this chapter.
- (2) For purposes of the requirements for obtaining a permit under this chapter, the terms "facility" and "marihuana facility" are intended to include both a "marihuana facility" as defined in the MMFLA and a "marihuana establishment" as defined in the MRTMA.
- (3) Additionally, the following words as used in this chapter setting forth the requirements for obtaining a city permit have the following meanings:
  - (a) *Applicant* means a person who applies for a city permit.
  - (b) *Authorized person* means:
    - (i) An owner of a facility;
    - (ii) The directors, officers, members, partners, and individuals of a facility that is a corporation, limited liability company, partnership, or sole proprietorship;
    - (iii) Any person who is in charge of and on the premises of the facility during business hours.
  - (c) *City permit* or *permit* , unless the context requires a different meaning, means a valid permit that is issued under this chapter.
  - (d) *Designated consumption establishment* means a commercial space licensed by the state to permit adults 21 years of age and older to consume marijuana products at the location indicated in the license.
  - (e) *Facility* means a "marihuana facility" as defined in the MMFLA and a "marihuana establishment" as defined in the MRTMA.
  - (f) *Grower* means a person who cultivates and sells marijuana to other facilities, as permitted by the MMFLA and the MRTMA, which includes all of the following:

- (i) *Class A grower* , which is a maximum of 500 plants under the MMFLA and 100 plants under the MRTMA.
- (ii) *Class B grower* , which is a maximum of 1,000 plants under the MMFLA and 500 plants under the MRTMA.
- (iii) *Class C grower* , which is a maximum of 1,500 plants under the MMFLA and 2,000 plants under the MRTMA.
- (iv) *Excess marijuana grower* , which is a person to whom the state has issued 5 Class C marihuana grower licenses under the MRTMA (2,000 plants each).
- (g) *Marijuana* means "marihuana" as defined in the MMFLA and as defined in the MRTMA.
- (h) *Marijuana event organizer* means a person licensed to apply for a temporary marihuana event license under these rules.
- (i) *Medical Marihuana Facilities Licensing Act or MMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and the rules or emergency rules promulgated pursuant to the MMFLA.
- (j) *Medical marijuana home occupation* has the same meaning in this Chapter as it does in the City Code of Ordinances, Chapter 55 (Unified Development Code).
- (k) *Michigan Medical Marihuana Act or MMMA* means the Michigan Medical Marihuana Act, MCL 333.26421 et seq., and the rules or emergency rules promulgated pursuant to the MMMA.
- (l) *Michigan Regulation and Taxation of Marihuana Act or MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and the rules or emergency rules promulgated pursuant to the MRTMA.
- (m) *Marijuana microbusiness* means a business that cultivates not more than 150 plants; processes and packages it; and sells it to individuals who are 21 years of age or older or to a safety compliance facility but not to other businesses.
- (n) *Permittee* means a person holding a city permit under this chapter.
- (o) *Person* means the entities included in the definition of "person" in Chapter 1 of the Ann Arbor City Code, in addition to the entities included in the definition of "person" in the MMFLA and the MRTMA.
- (p) *Processor* means a person who operates as a "processor" as defined in the MMFLA or a "marihuana processor" as defined in the MRTMA or as both at the same location under common ownership.
- (q) *Provisioning center/retailer* means a person who operates as a "provisioning center" as defined in the MMFLA or as a "marihuana retailer" as defined in the MRTMA or as both at the same location under common ownership.
- (r) *Safety compliance facility* means a person who operates as a "safety compliance facility" as defined in the MMFLA or a "marihuana safety compliance facility" as defined in the MRTMA or as both at the same location under common ownership.
- (s) *Secure transporter* means a person who operates as a "secure transporter" as defined in the MMFLA or a "marihuana secure transporter" as defined in the MRTMA or as both at the same location under common ownership.
- (t) *State license* means a valid state operating license issued under the MMFLA or a valid state license issued under the MRTMA or both.
- (u) *Temporary marijuana event*: a license held by a marijuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:603. - Marijuana facilities authorized.

Pursuant to the MMFLA and the MRTMA, the City of Ann Arbor authorizes the operation in the city of the following facilities, provided they possess a state license or licenses and they comply with the additional requirements of this chapter, Chapter 55 (Unified Development Code), and all other applicable laws and ordinances:

- (1) Grower.
- (2) Processor.
- (3) Provisioning center/retailer.
- (4) Secure transporter.
- (5) Safety compliance facility.
- (6) Marijuana microbusiness.
- (7) Designated consumption establishment.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 2, 10-7-19)

7:604. - City permit required, number of permits available.

- (1) No person shall operate a facility for which an annual permit as provided for in this chapter has not been issued. The maximum number of permits available for each type of facility is as follows:
  - (a) Grower permits — no maximum.
  - (b) Processor permits — no maximum.
  - (c) Secure transporter permits — no maximum.
  - (d) Provisioning center/retailer — 28 permits.
  - (e) Safety compliance facility permits — no maximum.
  - (f) Marijuana microbusiness permits — 28 permits.
  - (g) Designated consumption establishment permits — 28 permits.
- (2) As of the effective date of the ordinance amendment that adds references to the MRTMA to this chapter, an existing permit to operate a provisioning center as defined in the MMFLA is deemed to be one of the maximum number of provisioning center/retailer permits available. An existing permit to operate a provisioning center as defined in the MMFLA, when properly renewed will be designated as a provisioning center/retailer permit.
- (3) The permit requirement in this chapter applies to all facilities whether operated for profit or not for profit.
- (4) The permit requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marijuana facilities.
- (5) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or city ordinance.
- (6) A permit issued under this chapter shall be valid for 1 year after the date of issuance. To renew an existing permit, the permittee shall submit an application in the same manner as is required to apply

for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date.

- (7) Medical marijuana home occupations do not require permits.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 18-15, § 1, 5-21-18; Ord. No. 19-31, § 1, 10-7-19)

7:605. - General provisions.

- (1) A permit issued under this chapter is valid only for the location of the facility and type of facility that is listed on the permit application and is valid only for the operation of the facility at that location by the permit applicant.
- (2) A permit issued under this chapter is valid only if the permit holder also holds a valid current state license and a copy of the valid current state license has been provided to the City Clerk by the state license holder and is in compliance with all other requirements in this chapter.
- (3) The revocation of, suspension of, and placement of restrictions by the state on a state license apply equally to a permit issued by the city.
- (4) The expiration date of the state license that corresponds to a permit issued under this chapter constitutes the expiration date of the permit, however, operation of the facility under the expired permit is permitted to the extent that operation under the expired state license is permitted under the MMFLA.
- (5) A permit issued by the city under this chapter, shall be conspicuously posted in the facility where it is easily open to public view.
- (6) Acceptance of a permit from the city under this chapter constitutes consent by the permittee, owners, managers and employees to permit the City Administrator or designee to conduct inspections of the facility to ensure compliance with this chapter.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-01, § 1, 1-22-19; Ord. No. 19-31, § 1, 10-7-19)

7:606. - Application requirements for and issuance of city permit.

- (1) *Application for new annual permit.* An application for a new annual permit for a marijuana facility shall be submitted to the City Clerk on a form provided by the city, which shall fulfill all of the requirements indicated on the form, including but not limited to:
  - (a) The name and address of the facility and any other contact information requested on the application form.
  - (b) The name and address of all owners of the real property where the facility is located.
  - (c) Name and address of all business managers of the facility.
  - (d) A statement with respect to each person named on the application whether the person has:
    - (i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted;
    - (ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.
  - (e) Proof of applicant's ownership or legal possession of the premises.
  - (f) A zoning permit.

- (g) A certificate of occupancy or temporary certificate of occupancy.
- (h) The type of facility for which a permit is requested at the location specified in the application, which, for purposes of obtaining a permit under this chapter, shall be one of the following:
  - (i) Grower.
  - (ii) Processor.
  - (iii) Provisioning center/retailer.
  - (iv) Secure transporter.
  - (v) Safety compliance facility.
  - (vi) Marijuana microbusiness as defined in the MRTMA.
  - (vii) Designated consumption establishment as defined in the MRTMA.

For purposes of obtaining a city permit, only one permit application is required for each type of facility listed above at one location, regardless of whether the applicant intends to apply for or has applied for a state license under the MMFLA, the MRTMA or both, at the same location under common ownership. For purposes of this chapter, a permit issued for a facility at the location indicated in the application form authorizes the operation of the facility in compliance with the MMFLA, the MRTMA or both, as applicable.

- (i) If the application is for a grower's permit, the maximum number of plants that the applicant intends to grow.
- (j) Payment of a non-refundable application fee, which shall be determined by resolution of the City Council.

(2) *Renewal or amendment of existing permits.*

- (a) The same procedures that apply to applying for a new permit shall apply to the renewal or amendment of existing permits.
- (b) An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires.
- (c) An amended application shall be submitted under both of the following circumstances:
  - (i) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the city; and,
  - (ii) When there is a change in any information the permit applicant was required to provide in the most recent application for a state license on file with the state of Michigan.
- (d) An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires. An application to amend an existing permit to change any other information on the most recent application on file with the city may be submitted at any time.
- (e) Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 18-15, § 2, 5-21-18; Ord. No. 19-31, § 1, 10-7-19)

7:607. - Issuance of permit and authorization to operate facility under permit.

- (1) If the permit applicant has successfully demonstrated compliance with all requirements for issuance of a permit the City Administrator shall issue a new permit to the permit applicant if a permit is available or grant renewal of an existing permit.

- (2) The issuance of a permit under this chapter authorizes operation of the facility only after the following additional requirements are met:
  - (a) The applicant has provided the City Clerk with a copy of the applicant's state license.
  - (b) The applicant has installed the following security measures on the premises:
    - (i) Security cameras to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Recordings from security cameras shall be maintained for a minimum of 72 hours. The City Administrator may adopt regulations implementing this requirement, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings. Those regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council.
    - (ii) A monitored alarm system.
    - (iii) A storage room for overnight storage of any marijuana product and cash on the premises. The storage room shall have only 1 door for entry and no other potential means of entry, lawful or unlawful, such as a window or crawl space. The door shall be equipped with a locking mechanism that is different from other locks on any door within the facility.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-01, § 1, 1-22-19; Ord. No. 19-31, § 1, 10-7-19)

7:608. - Conduct of business at a facility.

- (1) A facility shall be conducted in compliance with the MMFLA, the MRTMA, the MMMA, the rules promulgated pursuant to any of these acts, and all other laws, rules, and regulations of the state of Michigan and the City of Ann Arbor.
- (2) All marijuana in any form kept at the location of the marijuana facility shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.
- (3) Marijuana facilities shall be closed for business, and no sale or other distribution of marijuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- (4) An authorized person shall consent to the entry into a facility by the Building Official and Zoning Inspectors for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by first class mail to the address of the premises 4 or more calendar days before the date of the inspection.
- (5) All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day.
- (6) All marijuana in any form on the premises of a marijuana facility shall be marijuana cultivated, manufactured, and packaged in the State of Michigan.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:609. - Prohibited acts.

It shall be unlawful for any person to:

- (1) Violate any provision of this chapter or any condition of any permit granted pursuant to this chapter.
- (2) Produce, distribute or possess more marijuana than allowed by any applicable state or local law.

- (3) Produce, distribute or possess marijuana in violation of this chapter or any other applicable state or local law.
- (4) Make any changes or allow any changes to be made in the operation of the facility as represented in the permit application, without first notifying the city by amending its application.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:610. - Permit revocation.

A permit issued under this chapter may be suspended or revoked for any of the following violations:

- (1) Any person whose name is on or is required to be on the permit application is convicted of or found responsible for violating any provision of this chapter;
- (2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the city with any other false or misleading information related to the facility;
- (3) Any person whose name is on or is required to be on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;
- (4) Marijuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;
- (5) The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the city or any other applicable state or local law, rule or regulation;
- (6) The city, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety;
- (7) The facility is determined by the city to have become a public nuisance;
- (8) The facility's state license has been suspended or revoked.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:611. - Revocation not exclusive penalty.

Nothing in this chapter shall be deemed to prohibit the City Administrator or designee from imposing other penalties authorized by the Ann Arbor City Code or other ordinance or to file a public nuisance lawsuit or to take any other legal action authorized by law.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:612. - Penalty for violations of Chapter 96.

Any person who violates a provision of this chapter shall be responsible for a civil infraction punishable by a civil fine of not more than \$500.00, plus costs and all other remedies available by statute. Each day of violation shall be a separate violation.

(Ord. No. 17-19, § 2, 11-9-17; Ord. No. 19-31, § 1, 10-7-19)

7:613. - Applications to state for special licenses.

A persons who applies for a state license as a marihuana event organizer or for a temporary marihuana event, as those terms are defined in the MRTMA, shall comply with all city ordinances applicable to the type of activity for which a state license is sought.

(Ord. No. 19-31, § 2, 10-7-19)

## CHAPTER 835

### Adult Use Marihuana Establishments

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- 835.01 Findings and purpose.
  - 835.02 Definitions.
  - 835.03 Marihuana establishments authorized; special licenses prohibited.
  - 835.04 City AUME permit required.
  - 835.05 General provisions.
  - 835.06 Application requirements for and issuance of a new City AUME permit; conditional approval.
  - 835.07 Issuance of final AUME permit and authorization to operate marihuana establishment under permit.
  - 835.08 Renewals, amendments and rescissions.
  - 835.09 Conduct of business at an establishment.
  - 835.10 Prohibited acts.
  - 835.11 Grounds for denial, suspension or revocation of AUME permit; AUME permit forfeiture; hearing.
  - 835.12 Revocation not exclusive penalty.
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- 835.99 Penalty.

#### CROSS REFERENCES

Michigan Regulation and Taxation of Marihuana Act, generally Initiated Law 1 of 2018, M.C.L.A. 333.27951 - 333.27967

Michigan Public Health Code, M.C.L.A. 333.7410

Zoning - Ch. 1230 generally and Chapter 1299

Licensing in general; fees, bonds and insurance - see B.R. & T.Ch. 802

#### 835.01 FINDINGS AND PURPOSE.

The City intends to issue permits for certain adult use recreational marihuana establishments, and to regulate the same, to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act. The City does not intend that permitting and regulation under this chapter should be construed as a finding that such establishments comply with any law. By requiring a City Adult Use Marihuana Establishment (AUME) Permit and compliance with the requirements of this chapter, the City intends to protect the public health, safety and welfare by:

- (a) Promoting the safe, regulated manufacturing, production, and sale by state-licensed establishments of adult use recreational marihuana to adults age twenty-one and over, and to ensure the safe access to recreational marihuana to the City's residents of requisite age;
- (b) Discouraging the sale of unsafe and unlicensed adult use recreational marihuana products;
- (c) Specifically prohibiting the granting of special licenses within the City;
- (d) Preserving and protecting the health, safety, and welfare of the residents of the City and the general public by minimizing unsafe and unregulated adult use recreational marihuana production and sale; and
- (e) Establishing standards and procedures by which the siting, operating, and maintaining of an adult recreational marihuana establishment shall be governed.

(Ord. 14-2019. Passed 10-15-19.)

#### 835.02 DEFINITIONS.

(a) Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"). This Chapter contains many words and phrases that are defined in the MRTMA. As used in this Chapter, they have the same meaning as provided in the MRTMA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MRTMA, then the definition in the MRTMA shall apply. The following words and phrases are, and mean, as follows:

- (1) "Department" means the department of licensing and regulatory affairs.

(2) "Licensee" means a person holding a state license.

(3) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this chapter, marihuana does not include:

A. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

B. Industrial hemp; or

C. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(4) "Marihuana, Adult Use Establishment" or "Marihuana Establishment" means a marihuana grower, marihuana safety compliance marihuana establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the marihuana regulatory agency as authorized by the Michigan Regulation and Taxation of Marihuana Act (2018).

A. "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

B. "Marihuana Microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one years of age or older or to a marihuana safety compliance marihuana establishment, but not to other marihuana establishments.

C. "Marihuana Processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

D. "Marihuana Retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one years of age or older.

E. "Marihuana Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

F. "Marihuana Safety Compliance Marihuana establishment" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(5) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(6) "Marijuana Regulatory Agency" or "Agency" means a Type I agency within the Department of Licensing and Regulatory Affairs (the "Department") with the powers as set out in MCL 333.27001, including but not limited to, all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967.

(7) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(8) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(9) "Rules" means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, M.C.L.A. 24.201 to 24.328, by the department in consultation with the Agency to implement this act, which shall include, but is not limited to, the Emergency Rules issued under the administrative procedures act on July 3, 2019.

(10) "Special Licenses" mean additional types or classes of state licenses to operate marihuana-related businesses as described under section 8 of the Act, including but not limited to:

A. Designated consumption establishment licenses;

B. Excess marihuana grower licenses;

C. Marihuana event organizer licenses; and

D. Temporary marihuana event licenses.

(11) "State license" or, unless the context requires a different meaning, "license" means a license that is issued by the department under this act that allows the licensee to operate a marihuana establishment.

(b) Other words and phrases. The words and phrases in this chapter, as used in this chapter, shall have the following meanings:

(1) "Applicant" means a person who applies for a state license: For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the

applicant, and the following for each type of applicant:

- A. For an individual or sole proprietorship: the proprietor and spouse.
- B. For a partnership and limited liability partnership: all partners and their spouse.
- C. For a limited partnership and limited liability partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
- D. For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
- E. For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- F. For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- G. For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- H. For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(2) "AUME Permit" or, unless the context requires a different meaning, "permit" means a marijuana adult use establishment permit that is issued under this chapter that allows the permittee to operate as one of the following, specified in the AUME permit:

- A. A marijuana grower.
- B. A marijuana processor.
- C. A marijuana secure transporter.
- D. A marijuana retailer.
- E. A marijuana safety compliance marijuana establishment.
- F. A marijuana microbusiness.

(3) "AUME Permit On-site Operator" means a person who generally oversees, manages, and/or supervises operations of the AUME permit business and is generally on the site during the majority of each business day of the AUME permit business.

(4) "AUME Permit Retailer and/or Microbusiness Pick List" means a City-generated list of desired property and community attributes including but not limited to energy efficiency, aesthetic improvements, stormwater reduction, etc. for which applicants voluntarily select to incorporate into their AUME permit retailer and/or microbusiness application when located in the C-2 to C-7 zoning districts.

(5) "Authorized person" means:

- A. An owner of a marijuana establishment;
- B. The directors, officers, members, partners, and individuals of a marijuana establishment that is a corporation, limited liability company, partnership, or sole partnership.
- C. Any person who is in charge of and on the premises of the marijuana establishment during business hours.

(6) "Class A grower" means a grower of not more than 100 marijuana plants.

(7) "Class B grower" means a grower of not more than 500 marijuana plants.

(8) "Class C grower" means a grower of not more than 2,000 marijuana plants.

(9) "Competing AUME Retailer and/or Microbusiness Permit Applications" means two or more complete marijuana retailer and/or marijuana microbusiness AUME permit applications submitted for properties located less than 1,000 feet from each other when submitted during the same twenty-four-hour period, defined as falling between 3:00 p.m. to 2:59 p.m. the following business day.

(10) "Conditional Approval AUME Permit" means 90-day authorization to the applicant to apply for and seek site plan review approval, and building/trade permits. A conditional approval AUME permit does not authorize use of an adult use marijuana establishment.

(11) "Licensee" means a person holding a City AUME permit under this chapter.

(12) "Michigan Regulation and Taxation of Marihuana Act" and "MRTMA" mean Initiated Act 1 of 2018, M.C.L. 333.27951, et. seq.

(13) "Person" means the entities included in the definition of "person" in Section 202.03 of the City of Battle Creek Ordinances, in addition to the entities included in the definition of "person" in the MRTMA.

(14) "Sponsorship" means any marketing or advertising in association with a specific event, project, or program, including but not limited to where a person or entity pays for all or some of the associated costs.

(Ord. 14-2019. Passed 10-15-19.)

### **835.03 MARIHUANA ESTABLISHMENTS AUTHORIZED; SPECIAL LICENSES PROHIBITED.**

(a) Marihuana Establishments Permitted. Pursuant to the MRTMA, the City of Battle Creek authorizes the operation in the City of the following marihuana adult use establishments, provided they possess a state operating license issued under the MRTMA and they comply with the additional requirements of this chapter, Chapter 1299 Marihuana Facilities and Establishments (Zoning) and all other applicable laws, administrative rules, and ordinances:

- (1) Marihuana grower, including Class A grower; Class B grower; and Class C grower.
- (2) A marihuana processor.
- (3) A marihuana secure transporter.
- (4) A marihuana retailer.
- (5) A marihuana safety compliance marihuana establishment.
- (6) A marihuana microbusiness.

(b) Special Licenses Prohibited. Pursuant to the MRTMA, Section 6(1), the City elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit:

- (1) Designated consumption establishment license.
- (2) Excess marihuana grower license.
- (3) Marihuana event organizer license.
- (4) Temporary marihuana event license.

(Ord. 14-2019. Passed 10-15-19.)

### **835.04 CITY AUME PERMIT REQUIRED.**

(a) No person shall operate a marihuana establishment for which an annual AUME permit as provided for in this chapter has not been issued.

(b) No person or entity that was open or operating any marihuana establishment purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of Ordinance 14-2019 by the City Commission shall be considered a lawful use or lawful nonconforming use.

(c) The AUME permit requirement in this chapter applies to all establishments that exist on the effective date of this chapter or are established after the effective date of this chapter. This includes all persons who engage or have engaged in any of the activities that are included in the definitions in the MRTMA of the types of entities that may obtain a state operating license, without regard to whether they called or call their businesses "dispensaries," "cultivation facilities," "clubs," "cooperatives," or any other similar label. A person who engaged in any of the activities that are included in the definitions in the MRTMA of the types of entities that may obtain a state operating license before the effective date of the MRTMA or before obtaining a state operating license does not have a vested right to obtain a City AUME permit.

(d) The AUME permit requirement in this chapter applies to all marihuana establishments whether operated for profit or not for profit.

(e) The AUME permit requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marihuana establishments.

(f) The issuance of any AUME permit pursuant to this chapter does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or city ordinance.

(g) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

(h) The term of the final AUME permit shall not exceed one year (except as provided below for permits issued in the

month of December), and fees are not prorated. The permit year shall begin on January 1 in each year, or the date upon which the final AUME permit was approved, whichever occurs later, and shall terminate on December 31 unless earlier terminated as provided in Section 835.11. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the next calendar year following issuance thereof, unless terminated sooner under Section 835.11. All permits issued pursuant to this chapter must be renewed on an annual basis. To renew an existing permit the licensee shall submit an application in the same manner as is required to apply for a new permit no sooner than ninety days before the expiration date and no later than sixty days before the expiration date. An application for a permit renewal received after November 1 of each year shall be considered late and will be subject to a late fee.

(Ord. 14-2019. Passed 10-15-19.)

### **835.05 GENERAL PROVISIONS.**

(a) An AUME permit issued under this chapter is valid only for the location of the marihuana establishment and type of marihuana establishment that is listed on the AUME permit application, providing the marihuana establishment remains in compliance with all other requirements in this chapter and Chapter 1299.

(b) An AUME permit issued under this chapter is valid only if the permit holder also holds a valid current state operating license, and a copy of the valid current state license has been provided to the City Clerk by the AUME permit holder.

(c) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to an AUME permit issued by the City.

(d) The expiration date of the state operating license that corresponds to an AUME permit issued under this chapter constitutes the expiration date of the license, however, operation of the marihuana establishment under the expired license is permitted to the extent that operation under the expired state operating license is permitted under the MRTMA.

(e) An AUME permit issued by the City under this chapter and the State MRTMA establishment license shall be conspicuously posted in the marihuana establishment where it is easily open to public view, City officials, including BCPD and the Fire Department.

(f) Acceptance of an AUME permit from the city under this chapter constitutes consent by the permittee, owners, managers and employees to permit the City Administrator or designee to conduct inspections of the marihuana establishment to ensure compliance with this chapter.

(Ord. 14-2019. Passed 10-15-19.)

### **835.06 APPLICATION REQUIREMENTS FOR AND ISSUANCE OF A NEW CITY AUME PERMIT; CONDITIONAL APPROVAL.**

(a) Application for New Annual AUME Permit An application for a new annual AUME permit for a marihuana establishment shall be submitted in person by the applicant or their state licensed attorney to the City Clerk on a form provided by the City, which shall fulfill all of the requirements indicated on the form. An applicant shall truthfully and fully provide all of the information requested on the application, including but not limited to, the following:

(1) The name and address of the proposed marihuana establishment and any other contact information requested on the application form.

(2) The applicant's full name, business address, e-mail address and phone number and presentation of a valid, government-issued photo identification.

(3) The name and address of all owners of the real property where the proposed marihuana establishment is located.

(4) Name and address of all business managers of the marihuana establishment.

(5) A statement with respect to each person named on the application whether the person has:

A. Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, M.C.L.A. 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted.

B. Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.

(6) Proof of an applicant's ownership or legal possession of the premises and, if the applicant is not the owner, the written, notarized consent of the property owner where the marihuana establishment is proposed to be located to operate a marihuana establishment at that location.

(7) A City-issued zoning assurance letter, provided with the AUME permit application, signed by the applicant which affirms that the applicant has reviewed all applicable zoning ordinances relative to the proposed use, including Ch. 1299 and all regulations addressing site development including, but not limited to parking, setbacks, and signage.

(8) State of Michigan Department of Licensing and Regulatory Affairs document indicating approved prequalification status by the Marihuana Regulatory Agency for the applicant or applicant's entity.

(9) If the type(s) of marihuana adult use establishments under the MRTMA application consists of a marihuana grower's permit, the maximum number of plants that the applicant intends to grow. The application form for a marihuana grower's permit is the same for a Class A, Class B, or Class C license and one application fee for a grower's license shall apply without regard to the class of state operating license the permit application seeks. An application fee pursuant to Section 802.24 for each marihuana grower's license Class shall apply.

(10) Payment of a non-refundable application fee, which shall be established by resolution of the City Commission and set out in the fee, bond, and insurance schedule provided for in Section 802.24.

(11) AUME marihuana retailer and/or marihuana microbusiness pick list and supporting documentation, which shall be incorporated into the AUME marihuana retailer and/or marihuana microbusiness application regardless of any competing AUME permit marihuana retailer and/or marihuana microbusiness applications. Once items on the pick list have been voluntarily selected and submitted with the application, it is mandatory that those items be satisfied.

(12) If license holder is not the on-site operator, indicate name and contract information of the on-site operator.

(b) Upon filing of the application for an AUME permit, the City Clerk shall review and evaluate the application, along with other necessary City departments. In determining whether an AUME permit should be issued, the City shall evaluate whether the application is complete.

(c) The City Clerk shall reject AUME permit marihuana retailer and/or marihuana microbusiness application(s) which selected fewer items in its pick list than a competing AUME permit marihuana retailer and/or marihuana microbusiness application(s) where each was submitted and determined to be complete during the same 24-hour period, defined as falling between 3:00 p.m. and 2:59 p.m. the following business day.

(1) The applicant of the denied application under this subsection may apply their submitted application fee from the denied application toward a new property location if submitted within ten business days after the initial application denial. If no new application is submitted within that period, a partial refund shall be provided as set out in Section 802.24 Fee, Bond and Insurance Schedule.

(d) Conditional Approval Permit. Initial approval of the new annual AUME permit application after review as set out in below Section 835.11 will result in the issuance of a ninety-day conditional approval permit, which authorizes the applicant to apply for and seek site plan review approval, and building/trade permits. A conditional approval permit does not authorize use of a marihuana establishment. Within ninety days of issuance of the conditional approval permit, the applicant shall submit proof of an approved City site plan review and building/trade permits to the City Clerk.

(1) If application for site plan approval and local permits as outlined above were made but are not obtained within ninety days, then the conditional approval permit shall expire and a new permit application shall be submitted pursuant to Section 835.06 Extensions may be approved by the City Clerk based on substantial work having been completed as determined by the City and at the request of the applicant thirty days prior to the expiration of the conditional approval permit.

(2) If no site plan or building plans have been submitted for permits within the ninety days, then the conditional approval permit expires, and an applicant will be required to wait thirty days before submitting a new application.

(3) If application for site plan approval and local permits as outlined above were obtained within ninety days, but the local permits expired without the work having been completed, then the conditional approval permit shall expire and a new permit application shall be submitted pursuant to Section 835.06.

(4) If application for site plan approval and local permits as outlined above were obtained within ninety days, but if the local permits expire without the work having been completed and an extension was not timely applied for, or was denied, then the conditional approval permit shall expire and a new permit application shall be submitted pursuant to section 835.06.

(Ord. 14-2019. Passed 10-15-19.)

#### **835.07 ISSUANCE OF FINAL AUME PERMIT AND AUTHORIZATION TO OPERATE MARIHUANA ESTABLISHMENT UNDER PERMIT.**

(a) If the AUME permit applicant has successfully demonstrated compliance with all requirements included within the conditional approval permit for issuance of a permit, including but not limited to all requirements of below subsection (c) and, the location conforming to all standards of the zoning district in which it is located, then the City Clerk shall issue a final AUME permit to the applicant, or grant renewal of an existing AUME permit.

(b) An issued final AUME permit is active beginning the date of the issued permit and expires December 31 of same year except when a final AUME permit is issued during the month of December, which will expire on December 31 of the following year.

(c) The issuance of a final AUME permit under this chapter authorizes operation of the marihuana establishment only after the following additional requirements are met:

(1) The applicant has provided the City Clerk with copies of the applicant's state operating license and the certificate of occupancy for the premises.

(2) The applicant has provided the City Clerk a copy of the state approved premises security plan. The said security measures on the premises are subject to inspection and must be approved by the Battle Creek Police Department and

comply with the following:

A. Fully operational security cameras shall monitor all areas of the premises as required by State Administrative Rules, including but not limited to Emergency Rule 35.

B. Recordings from security cameras shall be maintained for a minimum of thirty days, except for in instances of investigation or inspection by the Agency, or the City Police Department (BCPD), in which case the AUME permittee shall retain the recordings and make them available to BCPD upon request until such time as the agency or the BCPD notifies the AUME permittee that the recordings may be destroyed.

C. The City Manager may adopt regulations implementing security measures, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings so long as they do not conflict with state rules and regulations. City regulations shall take effect thirty days after being filed with the City Clerk unless modified or disapproved by the City Commission.

D. A monitored alarm system consistent with State Administrative Rules, including but not limited to Emergency Rule 35.

E. A storage room for overnight storage of any marijuana product on the premises consistent with Emergency Rule 38.

(3) The applicant has provided the City Clerk proof that all City taxes and assessments owed by the applicant have been paid and any assessments, taxes, or liens on the real property to comprise the licensed premises and personal property located on the licensed premises are also paid.

(4) The applicant has provided the City Clerk proof that the applicant is not in violation of any City ordinances on any other property under the applicant's ownership or control located within the City.

(d) (1) The applicant shall provide the City with proof of financial responsibility for liability for bodily injury in an amount not less than one hundred thousand dollars (\$100,000), as well as a copy of an endorsement placed on each policy requiring ten days' notice by mail to the city before the insurer may cancel the policy for any reason:

A. Worker's compensation insurance in accordance with Michigan statutory limits.

B. A marijuana secure transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marijuana product as required by the Act.

(2) An original certificate of insurance may be provided as an initial indication of the required insurance. applicant shall be required to continue without interruption during the term of the AUME permit the above named insurance coverages. If any of the above coverages expire by their terms during the term of a permit, the applicant shall deliver proof of renewal and/or new policies to the City Clerk at least ten days prior to the expiration date. Insurance companies, named insured and policy forms shall be subject to the approval of the City Insurance Loss Control Specialist or designee, within five business days. Insurance policies shall not contain endorsements or policy conditions which reduce coverage required under the terms of the AUME permit.

(Ord. 14-2019. Passed 10-15-19.)

### **835.08 RENEWALS, AMENDMENTS AND RESCISSIONS.**

#### **(a) Renewal of Final AUME Permits**

(1) Only an issued AUME final permit may be renewed. Applicants seeking renewals shall file a new application pursuant to Section 835.06.

#### **(b) Amendments**

(1) Amendment of AUME application without conditional or final AUME permit approval.

A. Prior to a decision of a conditional permit, an AUME application may be amended under any of the following circumstances:

1. Change in property ownership or property lessee/lessor name(s);

2. Clerical errors/omissions such as misspelling, wrong numbering, or other similar items in the submitted application; or

3. Any City required amendments of clarifications, clerical errors, additional entity background information, additional property information, or other relevant information required for City decision.

B. Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application.

C. Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the applicant.

(2) Non-substantive changes to approved conditional or final AUME permit:

A. After receiving an approved conditional or final AUME permit, and AUME application may be amended for any circumstance listed under subsection (b)(1)A.2.

B. Prior to receiving an approved final AUME permit, any change which will not increase the project intensity, as solely determined by the Zoning Administrator, including but not limited to: building size, number of marihuana plants, hours of operation, type of AUME use. The Zoning Administrator's decision as to whether the change shall be permitted as not increasing the project intensity shall be considered a final determination. If the Zoning Administrator determines that such change requires the submittal of a new or amended site plan application or building/trade permits, then these items shall be mandatory and enforceable.

C. Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application.

D. Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the applicant.

(3) Substantive changes to an approved conditional or final AUME permits. Substantive changes require the filing of a new application pursuant to Section 835.06. The following changes shall be considered "substantive," as intended by this subsection:

A. An increase in the project intensity as determined solely by the Zoning Administrator including, but not limited to: number of marihuana plants, hours of operation, or other aspects of the project which have an effect on the intensity, visual appearance, noise or odor levels, or other possible impacts to surrounding properties, public services/infrastructure.

B. Adding a new AUME use on the same property as the approved conditional or final AUME permit.

C. Lapse in the 90-day conditional permit period without having fulfilled requirements pursuant to Section 835.06(b).

D. A request to remove any item(s) selected on the submitted AUME marihuana retailer or microbusiness pick list.

(c) Transferring Approved Conditional or Final AUME Permit

(1) The transferring of an approved conditional AUME permit which changes the listed applicant to a different entity or person is prohibited.

(2) The transferring of approved conditional or final AUME permits to another location is prohibited.

(3) The transferring of an approved final AUME permit which only changes the listed applicant to a different entity or person may be allowed with the submittal of:

A. Document consisting of a notarized and original signatures;

B. State of Michigan Licensing and Regulatory Affairs Department document indicating approval of applicant or applicant's entity of Department's Step 1: Prequalification Document Checklist; and

C. Fee as established in the fee, bond, and insurance schedule provided for in Section 802.24.

(d) Rescission of Approved Conditional or Final AUME Permit

(1) An applicant may rescind an approved conditional or final AUME permit at any time to effectively remove such permit from the associated property.

(2) The rescission is effective as of the time and date of a City approval of a completed rescission City form.

(3) Once rescission is effective, an applicant receiving the approved rescission cannot file a new AUME application within ten business days anywhere within the City of Battle Creek.

(4) No fees paid in conjunction with the rescinded approved conditional or final AUME permits shall be refunded.

(Ord. 14-2019. Passed 10-15-19.)

### **835.09 CONDUCT OF BUSINESS AT A MARIHUANA ESTABLISHMENT.**

(a) A marihuana establishment shall be conducted in compliance with the MRTMA, the rules promulgated pursuant to the MRTMA, including but not limited to the State Administrative Rules, and all other laws, rules, and regulations of the state of Michigan and the City of Battle Creek.

(b) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after opening hours to deter and prevent theft of marihuana and marihuana accessories.

(d) Marihuana establishments shall be closed for business, and no sale or any distribution, delivery or receipt of marihuana in any form shall occur upon the premises between the hours of 9:00 p.m. and 7:00 a.m.

(e) An authorized person shall consent to the entry into a marihuana establishment by the Building Official and Zoning Inspectors or their designee for the purpose of inspection to determine compliance with this chapter and Ch. 1299, pursuant to a notice posted in a conspicuous place on the premises two or more days before the date of the inspection or sent by first class mail to the address of the premises four or more calendar days before the date of the inspection.

(f) All security measures required in this chapter and the Rules shall be maintained in good working order. The premises shall be monitored and secured twenty-four hours per day.

(g) All marihuana in any form on the premises of a marihuana establishment shall be cultivated, manufactured, testing, sold, and packaged in the State of Michigan.

(h) Access to the marihuana establishment's restricted and limited access areas is restricted to the permittee; employees of the permittee, escorted visitors, City employees and police officers acting within the scope of their duty, and the Agency. A marihuana retailer or a marihuana microbusiness may grant access as provided in below subsection (i) to customers to a dedicated point of sale area.

(i) A marihuana retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product as provided in the Act and the Rules. The marihuana retailer shall keep marihuana products behind a counter or other barrier to ensure that a customer does not have direct access to the marihuana products.

(j) A person or entity that receives an AUME permit under this chapter shall display its permit and, when issued, its state marihuana establishment license in plain view clearly visible to City officials and State Agency authorized agents.

(k) Applicants and permittees shall notify the agency and local law enforcement authorities within twenty-four hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana establishment.

(l) Marihuana establishments shall not allow onsite or as part of the marihuana establishment the sale, consumption, or serving of food or alcohol. However, the establishment may allow the consumption of food by employees or visitors provided the marihuana establishment has a designated area for the consumption of food that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product as provided in Emergency Rule 56.

(m) Before selling or transferring marihuana to an individual twenty-one years of age or older, the permittee or its employee shall verify the individual appeared to be twenty-one years of age or older by means of government issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in these rules.

(Ord. 14-2019. Passed 10-15-19.)

### **835.10 PROHIBITED ACTS.**

It shall be unlawful:

(a) For any person to violate any provision of this chapter or any condition of any permit granted pursuant to this chapter.

(b) For any person to produce, sell, distribute or possess more marihuana than allowed by any applicable state or local law.

(c) For any person to produce, distribute or possess marihuana in violation of this chapter or any other applicable state or local law, including but not limited to applicable zoning ordinances, Chapter 1299 of these ordinances, and state administrative rules.

(d) For any person to make any changes or allow any changes to be made in the operation of the marihuana establishment as represented in the AUME permit application, without first notifying the City by amending its application.

(e) For any AUME permittee to advertise or market marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place unless the permittee has reliable evidence that no more than 30% of the audience or readership for the television program, radio program, internet web site, or print publication is reasonably expected to be under twenty-one years of age. Any marihuana product permitted to be advertised or marketed under this rule shall include the warnings listed in State Emergency Rule 49(1)(k).

(f) For any person to market or advertise marihuana products to individuals under twenty-one years of age. Sponsorships targeted to members aged twenty-one years or younger are prohibited.

(g) For an AUME permittee of a marihuana establishment to allow a physician to conduct a medical examination or issue a medical certification document at a marihuana establishment for the purpose of obtaining a registry identification card, regardless of whether the permittee was present at the time the prohibited conduct took place.

(h) For an AUME permittee of a marihuana establishment to allow the sale, consumption, transfer, or use of alcohol or tobacco products on the premises.

- (i) For any person to reside or permit any person to reside in or on the premises of a marihuana establishment.
  - (j) For any person to consume, use, or inhale a marihuana product in any form, anywhere within a marihuana establishment or on the property of a marihuana establishment.
  - (k) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995).
  - (l) No marihuana establishment may allow a person under twenty-one years of age to volunteer or work for the marihuana establishment.
  - (m) A marihuana microbusiness shall not operate at multiple locations.
- (Ord. 14-2019. Passed 10-15-19.)

### **835.11 GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF AUME PERMIT; AUME PERMIT FORFEITURE; HEARING.**

(a) Grounds for Denial.

- (1) The City Clerk shall reject any application that does not meet the requirements of the MRTMA or this chapter. The City Clerk shall reject any application that contains any misrepresentation or omission of any material fact (materiality as determined by the City), or false or misleading information, or the applicant has provided the city with any other false or misleading information related to the marihuana establishment.
- (2) An applicant is ineligible to receive a permit under this chapter if any of the following circumstances exist regarding the applicant or an applicant's affiliate (as defined by the MRTMA):
- A. Prior conviction under the laws of this state, any other state, or the United States that involved distribution of a controlled substance to a minor.
  - B. Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application.
  - C. The applicant has knowingly submitted an application for a permit that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.
  - D. Is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the Act or the Rules, including emergency rules, pursuant to section 7 of the Act, MCL 333.27957.
  - E. The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marihuana establishment.
  - F. Holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.
  - G. The applicant fails to meet other criteria established by state-issued rule.
- (3) In determining whether to grant an AUME permit to an applicant, the City may also consider all of the following:
- A. Whether the applicant or anyone who will have ownership in the marihuana establishment has a pattern of convictions involving dishonesty, theft, or fraud that indicate the proposed marihuana establishment is unlikely to be operated with honesty and integrity.
  - B. Whether the applicant has a history of noncompliance with any regulatory requirements, all legal judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, against the applicant, that are related to business operations, including, but not limited to fraud, environmental, food safety, labor, employment, worker's compensation, discrimination, and tax laws and regulations, in this state or any other jurisdiction.
  - C. Whether the applicant meets the other standards in rules applicable to the state license category and standards, requirements in this chapter, as well as compliance with other applicable city ordinances.
- (b) AUME Permit Forfeiture. In the event that a marihuana establishment does not commence operations within one year of issuance of a City AUME permit, the AUME permit shall be deemed forfeited; the business may not commence operations and the permit is not eligible for renewal.

(c) AUME Permit as Revocable Privilege. An AUME permit granted by this chapter is a revocable privilege granted by the City and is not a property right. Granting an AUME permit does not create or vest any right, title, or other property interest. Each AUME permit is exclusive to the permittee, and a permittee or any other person must apply for and receive the City's approval before a permit is transferred, sold, or purchased. An AUME permittee or any other person shall not lease, pledge, or borrow or loan money against an AUME permit. The attempted transfer, sale or other conveyance of an interest in a license without prior agency approval is grounds for suspension or revocation of the AUME permit or for other sanction considered appropriate by the City.

(d) Nonrenewal, Suspension, or Revocation of AUME Permit

(1) The City Clerk may, after notice and hearing, suspend, revoke or refuse to renew an AUME permit for any of the following reasons:

A. The applicant or permittee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions or provisions of this chapter or with any applicable state or local law, regulation or rule;

B. The applicant or permittee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its permit and/or license pursuant to an order of the state or local permitting authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the permit;

C. The City, the County, or any other governmental entity with jurisdiction, has closed the marihuana establishment temporarily or permanently or has issued any sanction for failure to comply with the health and safety provisions of this chapter or other applicable state or local laws related to public health and safety;

D. The marihuana establishment is determined by the City to have become a public nuisance pursuant to Chapter 662 Public Nuisance Abatement of these City Ordinances or other applicable state nuisance law;

E. The marihuana establishment's state operating license has been suspended or revoked; or

F. The marihuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(2) Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern or drug-related criminal conduct within the premises of the marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana commercial entity. Criminal conduct considered shall be limited to the violation of a state law or regulation or City ordinance.

(3) In addition to the basis for revocation and/or suspension in subsection (d)(1) above, the City Commission may revoke a permit for cause in accordance with Section 802.17.

(e) Any person whose permit is denied, revoked or suspended shall be entitled to a hearing in accordance with Section 802.16.

(Ord. 14-2019. Passed 10-15-19.)

**835.12 REVOCATION NOT EXCLUSIVE PENALTY.**

Nothing in this chapter shall be deemed to prohibit the City Administrator or designee from imposing other penalties authorized by the City of Battle Creek ordinances or other ordinance of the city, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

(Ord. 14-2019. Passed 10-15-19.)

**835.99 PENALTY.**

Except as otherwise provided in this chapter, a person who violates or fails to comply with any of the provisions of this chapter is responsible for a Class F Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98 and any other relief that may be imposed by the court.

(Ord. 14-2019. Passed 10-15-19.)

## CHAPTER 1300. - MARIHUANA OPERATIONS<sup>421</sup>

Footnotes:

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**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, changed the title of Ch. 1300 from medical marijuana establishments to marihuana operations. Ord. No. 1217, § 1, adopted Sept. 7, 2017, repealed the former Ch. 1300, §§ 1300.01—1300.07, and enacted a new Ch. 1300 as set out herein. The former Ch. 1300 pertained to similar subject matter and derived from Ord. No. 1168, § 1, adopted June 27, 2011.

### 1300.01. - Legislative intent.

The purpose of this chapter is to exercise the police, regulatory, and land use powers of the City by licensing and regulating marihuana operations to the extent permissible under State and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of the City; and as such this chapter constitutes a public purpose.

The City finds that the activities described in this chapter are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

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

Except as may be required or permitted by law or regulation, it is not the intent of this chapter to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act or Section 8-501 of the City Charter, or, restrict the protections of marihuana use under the Michigan Taxation and Regulation of Marihuana Act.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

### 1300.02. - Definitions, interpretation and conflicts.

For the purposes of this chapter:

- (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. (MMFLA), as amended, the Marihuana Tracking Act ("MTA"), MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq., shall have the definition given in those acts; if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA MTA, or MRTMA then the definition in the MMMA, MMFLA, MTA, or MRTMA shall apply.
- (b) Any term defined by 21 USC 860(e) referenced in this chapter shall have the definition given by 21 USC 860(e).
- (c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA, MTA, or MRTMA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA and MRTMA unless superseded or preempted by the MMFLA and/or MRTMA.

- (d) All activities related to medical marihuana, including those related to a Medical Marihuana Provisioning Center, a Medical Marihuana Grower Facility, a Medical Marihuana Secure Transporter, a Medical Marihuana Processor or a Medical Marihuana Safety Compliance Facility shall be in compliance with the rules of the Marihuana Regulatory Agency, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City, the MMMA, MMFLA and the MTA.
- (e) All activities related to non-medical marihuana shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City and MRTMA.
- (f) Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this chapter without obtaining the required licensing set forth in this chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter, and/or State law. Any license granted pursuant to this chapter shall be exclusive to the licensee, and is a revocable privilege. Granting a license does not create or vest any right, title, franchise, or other property right.
- (g) The following terms shall have the definitions given:

*Application/License Application* means an application for a license pursuant to the terms and conditions set forth in Sections 1300.04 and 1300.05.

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

*Buffered Use* means a use subject to the buffering and dispersion requirements of Sections 1300.10 and 1300.11.

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

*Chapter* means this Chapter 1300.

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

*City* means the City of Lansing, Michigan.

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

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

*Employee* means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs

work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

*License* means a license issued for the operation of a medical marihuana facility or marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to Section 1300.07.

*Licensee* means a person issued a license for a medical marihuana facility or marihuana establishment pursuant to this chapter.

*Limit* means a competitive application process by which the municipality selects applicants who are best suited to operate in compliance with the Michigan Regulation and Taxation of Marihuana Act and this chapter and prevents the Department of Licensing and Regulatory Affairs from issuing a State license within the municipality's jurisdiction if the applicant is not selected, in compliance with MCL § 333.27956(1) and MCL § 333.27959(4).

*Marihuana Establishment* means any marihuana operation that is required to be licensed under this chapter and possesses a license or approval to operate under the MRTMA, including a Marihuana Microbusiness, a Marihuana Retailer, a Marihuana Grower, a Marihuana Processor, a Marihuana Secure Transporter, a Marihuana Safety Compliance Facility, and a Designated Consumption Establishment.

*Marihuana Grower* means a licensee that is a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to terms and conditions of this chapter that cultivates, dries, trims or cures and packages marihuana in accordance with State law.

*Marihuana Microbusiness* means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments, located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter.

*Marihuana Operation/Operator* means all types of medical and non-medical marihuana establishments and facilities operating in the City of Lansing that are required to be licensed under this chapter and possess a license or approval to operate under State law.

*Marihuana Processor or Medical Marihuana Processor Facility* means a commercial entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, processes and packages marihuana, and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.

*Marijuana Regulatory Agency or MRA* means the agency within the State of Michigan Department of Licensing and Regulatory Affairs created pursuant to Executive Order 2019-07 to regulate medical and recreational marihuana.

*Marihuana Retailer* means a licensee located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to a marihuana establishment and to individuals who are 21 years of age or older.

*Marihuana Safety Compliance Facility or Medical Marihuana Safety Compliance Facility* means a commercial or business entity located in the City that is licensed or approved to operate by

the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids.

*Medical Marihuana Facility* means any facility or center that is required to be licensed under this chapter and possesses a license or approval to operate from the State under the MMFLA, including: A Medical Marihuana Provisioning Center, a Medical Marihuana Processor, a Medical Marihuana Grower Facility, a Marihuana Secure Transporter, and a Medical Marihuana Safety Compliance Facility.

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

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

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

*MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended from time to time.

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

*Ordinance* means the ordinance adopting this Chapter 1300.

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

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

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

*Secure Transporter* or *Medical Marihuana Secure Transporter* means a commercial or business entity that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed to operate by the City pursuant to the terms and conditions of this chapter, that stores marihuana and transports marihuana between medical marihuana facilities or marihuana establishments for a fee and in accordance with State law.

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

*State* means the State of Michigan.

*Ward* means the four wards of the City of Lansing as outlined in 2-203 of the Lansing City Charter.

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

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

1300.03. - Operation without license prohibited.

- (a) Every marihuana operation in the City shall be licensed pursuant to the terms and provisions set forth in this chapter. No person shall operate a marihuana operation in the City without first obtaining a license from the City Clerk. A marihuana operation operating without a license under the provisions of this chapter or without a State license or approval pursuant to the MMFLA or MRTMA, as amended from time to time, is hereby declared to be a public nuisance.
- (b) The term of each license for a proposed location shall be one year. A license issued under this chapter for a proposed location may be conditioned on the approval of the operator by the State pursuant to the MMFLA and/or MRTMA at the location licensed under this chapter.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed § 1300.03, which pertained to establishment of the Medical Marijuana Commission, membership, chairperson, and meetings and renumbered former §§ 1300.04—1300.06, operation without license prohibited, license application submission, and license application evaluation, as §§ 1300.03—1300.05.

1300.04. - License application submission.

- (a) Each marihuana operation must be licensed by the City. Applications for a license shall be made in writing to the City Clerk. All applications submitted to the City Clerk in accordance with the provisions of this chapter shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this chapter of the same or different natures simultaneously, as permitted by law.
- (b) A complete application for a license or licenses required by this chapter shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:
  - (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
  - (2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.
  - (3) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.
  - (4) The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the City Clerk.
  - (5) Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies

for every applicant, licensee, stakeholder, and employee to the City Clerk within five business days of receipt.

- (6) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.
- (7) A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:
  - i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and
  - ii. A current organization chart that includes position descriptions and the names of each person holding each position.
- (8) One of the following: (a) proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of any lease for the premises.
- (9) Verify compliance with State-mandated security measures as outlined in Emergency Rule 35 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (10) A floor plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.
- (11) Verify compliance with State-mandated marketing and advertising restrictions as outlined in Emergency Rule 52 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (12) A location area map, as measured pursuant to Section 1300.10, of the marihuana operation and surrounding area that identifies the relative locations and the distances, as measured pursuant to Section 1300.10(d), to the buffered uses set forth in Section 1300.10(a), and noting any residentially-zoned property within one-quarter mile of the marihuana operation.
- (13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.
- (14) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.
- (15) Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least \$2,000,000.00 for

injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with State law. The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.

- (16)
    - i. Proof of a surety bond in the amount of \$50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this chapter in a manner and surety approved by the City Attorney; or, in the alternative,
    - ii. Creation of an escrow account as follows:
      - a. The account must be provided by a State or federally regulated financial institution or other financial institution; and
      - b. The account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and
      - c. The account must be in the amount of \$20,000.00 and in a form prescribed by the City Attorney.
  - (17) Projected or actual annual budget and revenue based upon generally accepted accounting principles (GAAP standards) demonstrating sufficient financial resources to fund and execute the submitted business plans and building plans.
  - (18) An estimate of the number and type of full-time equivalent jobs that the marijuana operation expects to create and the amount and type of compensation for each position, including but not limited to healthcare, retirement, and paid time off.
  - (19) Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marijuana.
  - (20) Execution of the Financial Resources Litigation History form made available by the City Clerk.
  - (21) Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.
  - (22) Any other information requested by the City Clerk to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.
  - (23) There is an ongoing obligation to provide updated information to the City Clerk. Should there be a change to any portion of an application, the applicant must advise the City Clerk within seven days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.
- (c) Each application shall be accompanied by a license application fee in an amount of \$5,000.00.
- (d) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the City Attorney, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application shall be approved unless:
- (1) The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
  - (2) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code and this chapter.
  - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City, including but not limited to, non-payment of property taxes.

- (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.
- (5) The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

**Note**— See editor's note at § 1300.04.

1300.05. - License application evaluation.

- (a) The Clerk may open a 30-day enrollment period at his or her discretion for any license type.
- (b) The City Clerk shall assess, evaluate, score and rank all complete Medical Marihuana Provisioning Center, Marihuana Retailer, Medical Marihuana Grow, Marihuana Grow, Medical Marihuana Processor, Marihuana Processor, Marihuana Microbusiness, and Designated Consumption Establishment applications submitted according to the provisions of this chapter. Assessment, evaluation, scoring, and ranking shall be completed for each license type. Additionally, the Clerk shall assess, evaluate, score and rank marihuana microbusiness and designated consumption establishment applications based upon ward. No application will be evaluated, scored, or ranked unless such application contains the approvals required by Section 1300.04(e) and the application contains all required information outlined in Section 1300.04. All other types of marihuana operation licenses shall be assessed for completeness and compliance with the terms of this chapter.
- (c) The City Clerk's assessment, evaluation, score, and rank of each application that requires scoring shall be based upon a scoring criteria created by the City Clerk consistent with the requirements and conditions of this chapter. Scoring shall fall under the following general categories: content and sufficiency, consistency with surrounding land use and resident safety, demonstration of sufficient financial resources, and promotion of local business. The City Clerk shall award conditional approval or licenses to the top scoring complete applications for the number of licenses available during each enrollment period. Scoring and ranking renews with each enrollment period. Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero points to 100 points with the lowest overall total score as zero points and the highest possible total score being 100 points. The Clerk retains the right to award fewer licenses than the number available if the remaining license application scores fall below 75/100, however, no license shall be awarded to an applicant whose score falls below 60/100.
- (d) In the assessment, evaluation, score, and ranking of license applications the City Clerk may give preference to locations that improve access to medical marihuana patients, are consistent with surrounding and nearby land use, and limit potential exposure or disturbance of neighborhoods.
- (e) In the event of an evaluation scoring tie during an enrollment period which causes there to be more applicants than licenses or locations available, the scoring-tied applicants will be entered into a random draw using procedures set by the City Clerk. Those applications randomly selected shall be eligible to receive the license applied for consistent with this chapter. All license applications must be submitted during the open enrollment periods set by the Clerk.
- (f) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a license of any kind or nature whatsoever including, but not limited to, any claim of entitlement.
- (g) The Clerk may engage professional expert assistance in performing the Clerk's duties and responsibilities under this chapter.
- (h) If the applicant applies for a State license, the applicant must notify the City Clerk of the pending State application within seven days in writing by certified mail.
- (i) If the applicant has not applied for a State license, the applicant must apply for a State license within 28 days of submitting an application to the City Clerk.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

**Note**— See editor's note at § 1300.04.

1300.06. - Limits on licenses and locations.

- (a) Based upon investigation, recommendations, review, and consideration from the public, relevant boards and commissions, Planning Board review, maps, historical data, Council committees, and public hearings and meetings, the City Council finds and determines that it is in the public interest and serves a public purpose to limit, as defined, the following licenses:
  - (1) The maximum number of locations for both Medical Marihuana Provisioning Centers and Marihuana Retailers shall be capped at 28. A single location may serve as both a Medical Marihuana Provisioning Center and a Marihuana Retailer.
  - (2) The maximum number of locations for marihuana microbusinesses shall be capped at one location per ward, as defined.
  - (3) The maximum number of locations for a designated consumption establishments shall be capped at one location per ward, as defined.
  - (4) Upon the effective date of the ordinance from which this section is derived, the maximum number of locations for medical marihuana grows and marihuana grows shall be capped at 75 locations or the number of locations based upon licenses awarded and applications pending with the City Clerk as of the effective date of this section, whichever is higher. A single location may serve as both a medical marihuana grow and marihuana grow. Beginning January 1, 2021, as licenses are denied or issued licenses are not renewed, such licenses shall be eliminated until the total number of locations has been reduced to 55.

(Ord. No. 1257, § 1, 9-30-19)

1300.07. - License renewal application.

- (a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.
- (b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by Section 1300.04(b).
- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application for a license renewal shall be approved unless:
  - (1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for compliance with all laws for which they are charged with enforcement within the past calendar year.
  - (2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.

- (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana operation are not currently in default to the City, including but not limited to property taxes.
  - (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.
  - (5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
  - (6) The applicant possesses the necessary State licenses or approvals.
  - (7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.
  - (8) The marihuana operation has not been declared a public nuisance.
- (f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.08. - Licenses generally.

- (a) To the extent permissible under law, all information submitted in conjunction with an application for a license or license renewal required by this chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq., including the trade secrets or commercial or financial information exemptions available under Section 13(f) of the Michigan Freedom of Information Act. Furthermore, no personal or medical information concerning the applicant shall be submitted to the City.
- (b) Licensees may transfer a license issued under this chapter to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer a license location, the licensee must make a written request to the City Clerk, indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk shall refer a copy of the written request to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer. No license transfer shall be approved unless each department and entity gives written approval that the licensee and the proposed license location meet the standards identified in this chapter, including but not limited to Section 1300.04(e), and the City Clerk has determined that the proposed location meets the requirements of Sections 1300.05. Applicants may not change locations during the application review period.
- (c) A licensee may transfer a license issued under this chapter to a different individual or entity upon receiving written approval by the City Clerk. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the City Clerk, indicating the current licensee and the proposed licensee. Upon receiving the written request, the City Clerk shall review the application for conformity with Sections 1300.04 and 1300.05 including submission of the license application fee. Application fees are non-transferable.
- (d) A licensee shall report any other change in the information required by this chapter to the City Clerk within seven business days of the change. Failure to do so may result in suspension or revocation of the license.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.09. - Minimum operational standards of a marihuana operation.

Except as may be preempted by State law or regulation:

- (a) Every Medical Marihuana Provisioning Center, Marihuana Retailer, and Designated Consumption Establishment must be located in a building, as defined under Section 1300.02.
- (b) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall be open between the hours of 10:00 p.m. and 9:00 a.m.
- (c) Consumption of marihuana shall be prohibited on the premises of a marihuana operation except as permitted by City Charter Section 8-501, State law, and a designated consumption establishment license has been obtained.
- (d) No marihuana operation shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana operation is operated; or any other nuisance that hinders the public health, safety and welfare of the residents of the City.
- (e) The license required by this chapter shall be prominently displayed on the premises of a marihuana operation.
- (f) The premises shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises. Refusal to permit inspection may result in revocation or suspension of licensure.
- (g) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (h) No other accessory uses are permitted within the same establishment or facility unless expressly permitted by State or local law.
- (i) All processing activity shall be performed indoors in a building.
- (j) All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - (1) Maintaining adequate personal cleanliness;
  - (2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - (3) Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- (k) Marihuana operations must be kept clean and in good repair, including proper disposal of all waste and litter.
- (l) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall permit the sale, consumption, or serving of alcohol.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.10. - Location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers and Marihuana Retailers.

- (a) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within:
  - (1) One thousand feet, of an operational school, including pre-kindergarten that is located within a school; or

- (2) Five hundred feet, of the following buffered uses: Public parks; a commercial child care organization (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services, or its successor agency; a church; a facility at which substance use disorder prevention services or substance use disorder treatment and rehabilitation services and those terms are defined in the Mental Health Code, PA 258 of 1974, MCL 330.1001 et seq. or another Medical Marihuana Provisioning Center or Marihuana Retailer.
- (b) Medical Marihuana Provisioning Centers and Marihuana Retailers shall be limited to F and F1-Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial as such districts are described and designated as provided in the Zoning Code provisions of this Code.
- (c) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within another business except as permitted by the Marijuana Regulatory Agency.
- (d) For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Medical Marihuana Provisioning Centers and Marihuana Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.
- (e) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed §§ 1300.10—1300.12, which pertained to minimum operational standards of a Medical Marihuana Grower Facility, minimum operational standards of a Medical Marihuana Safety Compliance Facility, and minimum operational standards of a Medical Marihuana Processor Facility and a Medical Marihuana Secure Transporter, and renumbered former §§ 1300.13—1300.15, location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers; location of Medical Marihuana Grower Facilities, Medical Marihuana Safety Compliance Facilities, Medical Marihuana Processor Facilities, and Medical Marihuana Secure Transporters; and license revocation, bases for revocation, appeal of license denial; as §§ 1300.10—1300.13.

1300.11. - Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

- (a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to H-Light Industrial and I-Heavy Industrial zoning districts as identified in this Code.
- (b) All Marihuana Safety Compliance Facilities, Marihuana Processors, and Marihuana Secure Transporters shall be limited to the H-Light Industrial, I-Heavy Industrial, or G2-Wholesale zoning districts as identified in this Code.
- (c) All Designated Consumption Establishments shall be limited to F and F-1 Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial zoning districts as identified in this Code.

- (d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Note**— See editor's note at § 1300.10.

1300.12. - Application denial or license revocation; bases for revocation; appeal of license denial or revocation.

- (a) Any license issued under this chapter may be revoked by the City Clerk after an administrative hearing if the City Clerk finds and determines that grounds for revocation exist. Any grounds for revocation must be provided to the licensee at least ten days prior to the date of the hearing by first class mail to the address given on the license application or any address provided to the City Clerk in writing subsequent to the filing of an application.
- (b) A license applied for or issued under this chapter may be denied or revoked, including but not limited to any of the following bases:
  - (1) A material violation of any provision of this chapter, including, but not limited to, the failure to provide the information required by this chapter, or, a material violation of the MMFLA, MRTMA, or the corresponding rules promulgated by the MRA; or
  - (2) Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license; or
  - (3) Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this chapter requires a license; or
  - (4) Failure to obtain or maintain a license or renewed license from the City Clerk pursuant to this chapter; or
  - (5) Failure of the licensee or the medical marihuana establishment to obtain or maintain a license or approval from the State pursuant to the MMFLA or MRTMA; or
  - (6) The medical marihuana establishment is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare.
  - (7) Cultivation, processing, sale, or display of marihuana or marihuana accessories that are visible from a public place.
- (c) Appeal of denial of an application or revocation of a license: The City Clerk shall notify an applicant of the reason(s) for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant with the opportunity to request reconsideration. An appeal of denial of application for licensure shall be a paper hearing. Any applicant aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the City Clerk. Such appeal shall be taken by filing with the City Clerk, within seven days after notice of the action complained of has been mailed to the applicant's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall review the appeal and make a decision on the matter. Any decision by the City Clerk shall be final for purposes of judicial review. The Clerk may engage professional experts to assist with the proceedings under this Section 1300.05.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Note**— See editor's note at § 1300.10.

1300.13. - Penalties; temporary suspension of a license.

- (a) The City may require an applicant or licensee of a marihuana operation to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter. Failure to provide the required material may be grounds for application denial or license revocation.
- (b) Any person in violation of any provision of this chapter, including the operation of a marihuana operation without a license issued pursuant to this chapter, shall be subject to a civil fine of \$500.00, plus costs, per day of violation. The Director of Economic Development and Planning or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators to appear in court or pay a fine.
- (c) All fines imposed under this chapter shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.
- (d) The Clerk may temporarily suspend a license without a prior hearing if the Mayor finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The Clerk shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.
- (e) If the Clerk temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 30 days after the suspension notice has been served on the licensee or posted on the licensed premises. In the case of a license issued for a Marihuana Grower, the hearing shall be held within seven days after the notice has been served on the licensee or posted on the premises of the licensed facility. The hearing shall be limited to the issues cited in the suspension notice.
- (f) If the Clerk does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, or in the case of a Marihuana Grower seven days, then the suspended license shall be automatically reinstated and the suspension vacated.
- (g) The penalty provisions of this chapter are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, renumbered § 1300.16, pertaining to penalties; temporary suspension of a license, as § 1300.13.

1300.14. - Consumption in a public place.

Consumption of marihuana in any public place within the City of Lansing is prohibited except as provided by State law.

(Ord. No 1257, § 1, 9-30-19)

1300.15. - Designated Consumption Establishments.

- (a) Any commercial space that legally permits the use of marihuana shall designate a consumption area accessible only by persons 21 years of age or older, and, shall obtain and maintain a license from the State and City. An application for licensure shall be awarded upon submission of a complete application containing the documentation required in Sections 1300.04(b)(1), (2), (3), (6), (8), (9), (10), (11), (12), (16), (17), (20), and (21).
- (b) A Designated Consumption Establishment must comply with all laws and rules pursuant to the MRTMA, including but not limited to, a ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration systems sufficient to remove

visible smoke consistent with all applicable building codes and ordinances and adequate to eliminate odor at the property line. Use of marihuana at a private business shall not violate Chapters 622 (Drugs) and 664 (Disturbing the Peace). The sale of marihuana is limited only to establishments licensed to conduct sales of marihuana.

- (c) An initial license application fee of \$5,000.00 is required.
- (d) An application for renewal shall include any updated information required in Section 1300.04 as well as a fee set by resolution of Council.

(Ord. No 1257, § 1, 9-30-19)

1300.16. - No vested rights.

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

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, renumbered § 1300.17, pertaining to vested rights, as § 1300.16.

1300.17. - Reserved.

**Note**— See editor's note at § 1300.16.

1300.18. - Reserved.

**Editor's note**— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed § 1300.18, which pertained to Zoning Board of Appeals, and derived from Ord. No. 1217, § 1, adopted Sept. 7, 2017.

1300.19. - Sunset.

Pursuant to Section 3-307 of the City Charter, this chapter shall expire December 31, 2028.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 5, 9-30-19)



## Council Action Summary Sheet

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<b>Agenda Item #:</b>	
<b>Agenda Item Title:</b>	<i>Leased Vehicle for Detective Sergeant</i>
<b>Meeting Date:</b>	03/02/2020
<b>Submitted by:</b>	Chief Scott Kipp
<b>Contact Information:</b>	<a href="mailto:skipp@cityofalbionmi.gov">skipp@cityofalbionmi.gov</a>
<b>Agenda Item Approvals:</b>	<input type="checkbox"/> City Clerk <input type="checkbox"/> Finance Director/Treasurer <input type="checkbox"/> City Attorney <input type="checkbox"/> City Manager

**Background Brief:** ADPS has leased 5 different vehicles for detectives that are also task force officers with the IRS. This request is to replace a lease that expires on 03/20/2020. The lease including any vehicle maintenance and gasoline are all funded through reimbursements by the IRS at no cost to the city. It is a three year lease at which time the car is returned to the dealership just like any lease by the general public

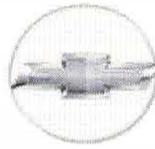
**Alternatives Analysis:** If we chose not to lease the reimbursed lease from the IRS we would have to either buy or lease a vehicle at our cost for the detective sergeant or reimburse the detective sergeant for mileage related to their work requirements.

**Summary of Previous Council Action:** The City Council has previously authorized the lease of 5 other vehicles through this same program. All 5 other vehicles have received 100% reimbursement with no out of pocket costs to the city.

**Financial Impact:** The only financial impact to the city is the payments for the lease, maintenance and gasoline until reimbursed by the IRS, which is usually completed within 90 days of the payments. Additionally, as this is a 3 year lease, the city could become responsible for the lease payments should we chose not to continue to assign an employee to the IRS task force.

**Recommended Motion(s):** It is recommend the City Council make a motion to approve the lease of a 2020 Chevrolet Blazer from Caron Chevrolet for \$538.81 per month and 781.81 due at signing. This is for a three year lease of the vehicle.

**Attachments:**



The CHEVY SPOT

Prepared by: Timothy Rowe  
January 13, 2020  
1:43 PM

1201 W. Michigan Ave. - Marshall, MI 49068

(269) 781-5154 - (866) 781-5154  
www.thechevyspot.com

<b>City of Albion</b>  112 W Cass ST  Albion MI 49224 United States (517) -	2020 Chevrolet Blazer Vehicle ID: 34070 Unit #: 14871 Model Code: 1NR26
--------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------

We are pleased to provide you with the following vehicle quotation:

	<b>Scenario 1</b>
	<b><u>Lease</u></b>
Sales Amount	40,415.00
Electronic Filing Fee: CVR	24.00
Lease Acquisition Fee	650.00
Transfer Fee: New Plate	0.00
<b>Vehicle Cost Total</b>	<b>41,089.00</b>
Down Payment: GM Incentive	750.00
<b>Payment Total</b>	<b>750.00</b>
<b>Total Owing</b>	<b><u>40,339.00</u></b>
Residual Value	22,409.20
Interest Rate	1.54
Amortization Term (In Months)	36.00
Deal Term (In Months)	36.00
Due Upon Signing Total	781.81
Max Anticipated Annual Usage(miles)	18,000.00
Monthly Payment Subtotal	538.81
	0.00
Monthly Payment Tax	0.00
<b>Monthly Payment Total</b>	<b><u>538.81</u></b>

These prices may not reflect the ultimate vehicle cost, in view of future manufacturer rebates, allowances, incentives, etc.  
Prices and specifications subject to change without notice. Our reference #: 21535

Customer Approval: \_\_\_\_\_

Witness: \_\_\_\_\_

# art moehn



For: Guest

By: Garth Teller  
 Art Moehn Auto Group  
 2200 Seymour Rd  
 Jackson, MI 49201  
 (517) 787-7700

Date: January 16, 2020 12:55 pm

Vehicle: New 2020 Chevrolet Truck Blazer Awd 4dr Wgn 3LT AT

VIN: 3GNKBJRS3LS538046

Color: Red Tintcoat

Stock #: 62769

Odometer: 5

Cash Option		Lease Options	
MSRP:	\$45,535.00	Out of Pocket	36 mos.
Accessories:	\$0.00	\$1,000.00	\$601
Adj. Market Value:	\$45,535.00	\$2,000.00	\$572
Discount:	\$1,974.60	\$3,000.00	\$543
Vehicle Price:	\$43,560.40	Total Lease Cash	\$1,250.00
Tag and Title Fees:	\$24.00	Annual Miles	18,000
Documentation Fee:	\$220.00	Residual	\$24,610.30
Tax:	\$2,626.82		
Amount Due:	\$46,431.22		

Worksheet payments are estimates only. The exact payment will depend on lenders terms and your qualifications. Lease figures do not include disposition fee, which is due at lease maturity.

Customer \_\_\_\_\_ Date \_\_\_\_\_ Dealership \_\_\_\_\_ Date \_\_\_\_\_  
 Reference: W32924724



January 10, 2020

City of Albion  
Albion Department of Public Safety  
112 West Cass Street  
Albion, MI 49224  
Phone: 517-629-5535

This letter is a quote for the lease of 2020 Chevrolet Blazer RS AWD. This lease is for 36 months and 18,000 miles a year. No money Down.

Below is a detailed list of pricing and Equipment.

Price per month:               \$660.00

Automatic, Power Driver Window w/ Express Up and Down Power Locks, Keyless entry & start, Bluetooth Streaming, Heated driver & passenger, 8" display with back camera.

Thank you for business.

Chuck Hiatt GSM & Lance Waito  
College Chevrolet Buick  
Phone 517-629-2151  
Fax 517-629-8969



January 10, 2020

City of Albion  
Albion Department of Public Safety  
112 West Cass Street  
Albion, MI 49224  
Phone: 517-629-5535

This letter is a quote for the lease of 2020 Chevrolet Blazer 2LT AWD. This lease is for 36 months and 18,000 miles a year. No money Down.

Below is a detailed list of pricing and Equipment.

Price per month:           \$565.00

LT Automatic, Power Driver Window w/ Express Up and Down Power Locks, Keyless entry & start, Bluetooth Streaming, Heated driver & passenger, 8" display with back camera.

Thank you for business.

Chuck Hiatt GSM & Lance Waito  
College Chevrolet Buick  
Phone 517-629-2151  
Fax 517-629-8969

**FOR INFORMATION ONLY**



# Calhoun County Senior Services

*Building a Better County through Responsive Leadership*

315 West Green Street  
Marshall, MI 49068  
www.calhouncountymi.gov

269-781-0846

Helen Guzzo, LMSW  
Senior Services Manager  
hguzzo@calhouncountymi.gov



February 14, 2020

Dear Community Partner:

Enclosed with this letter are revised Senior Millage brochures and a flyer for the upcoming Senior Fair on April 8 at the Marshall Middle School. Senior Millage is up for renewal in 2020 and is expected to be on the August 4<sup>th</sup> primary ballot. The Senior Millage was first passed by Calhoun County voters in 1996, and today funds 22 different programs provided through 10 trusted community organizations. In 2019, Senior Millage programs served 6,562 seniors. Helping seniors, 60 years and over, age well is one of the goals of the Calhoun County Senior Millage. Senior Millage programs fill gaps in available services, funding important services such as Meals on Wheels without a waitlist and Senior Transportation. Please help us publicize the availability of Senior Millage funded services and the free opportunities that special events provide to area seniors.

### Changes to the 2020 Brochure

- Senior Millage is now funding a Bed Bug Remediation program for low-income senior homeowners. This program is administered by Senior Services of Southwest Michigan, and they can be contacted at 866-200-8877.
- The Senior Hearing & Vision programs have transitioned from the Calhoun County Public Health Department to CareWell Services SW. Please call CareWell at 269-441-0930 to see how to obtain hearing aids or new glasses for seniors who may not be able to afford such services themselves.
- ***If you would like more copies of our brochure, or would like it electronically, please call our office at 269-781-0846.***

### Upcoming Special Events

- Wednesday, April 8: Calhoun County Senior Fair, Marshall Middle School
- Friday, June 4: Senior Picnic at the Wilder Creek Conservation Club, Marshall
- Thursday, August 13: Senior Day at the Ball Park, CO Brown Stadium, Battle Creek
- Monday, August 17: Veteran's Day at the Calhoun County Fair, Marshall
- Wednesday, August 19: Senior Day at the Calhoun County Fair, Marshall

A member of our staff would love to make a presentation about Senior Millage funded programs to your group or community organization. If a senior is in need, and you do not know where to refer them for help, please call us. To schedule a presentation, please contact our office at the phone number listed above.

Sincerely,

Helen Guzzo, Manager

CALHOUN COUNTY

# Senior Millage

FUNDING SERVICES FOR SENIORS

**Calhoun County Senior Services**  
315 West Green St.  
Marshall, MI 49068  
**269-781-0846**

[www.calhouncountymi.gov](http://www.calhouncountymi.gov)

## Senior Centers

Seniors can participate in recreational activities, social enrichment, and health programs.

**Forks Senior Center - Albion**

517-629-3842

**Heritage Commons - Marshall**

269-558-6150

**Kool Family Community Center - Battle Creek**

269-965-0000



## Senior Fitness & Fun

Participate in health education, exercise, health screenings and monitoring at sites throughout Calhoun County.

**Senior Health Partners**

269-441-0948



## Senior Transportation

County-wide transportation is available for medical, work, nutritional and recreational trips: Monday-Friday. Advanced notice is needed as soon as possible to schedule your ride.

**Community Action**

269-565-4144 or 800-994-9876



Head Start  
Horn Wheels  
Home Repair  
Transportation  
Utility Assistance  
811-423726

## Prescription Assistance ★

Seniors may apply for assistance to afford needed medications.

**Fountain Clinic**

269-781-0952



## Personal Emergency Response System (PERS) ★

Provides seniors with a personal electronic device for emergencies.

**CareWell Services SW**

269-966-2450

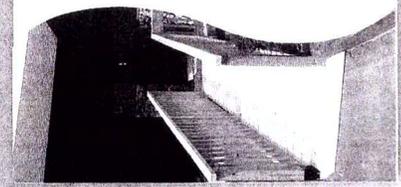


## Ramps for Accessibility ★

Senior homeowners can have a ramp built to make their home more accessible.

**Habitat For Humanity**

269-966-2502





### Adult Day Care ★

Provides social activities and medical monitoring for seniors in need of daytime supervision.

**Marian E. Burch Adult Day Care Center**  
269-962-1750



### Benefits Counseling

Medicare and Medicaid counseling, call for an appointment.

**Calhoun County**

**Senior Services - Marshall**

269-781-0846

**CareWell Services SW - Battle Creek**

269-966-2450

**Forks Senior Center - Albion**

517-629-3842



### Community Care Options★

Homemaking assistance, meal preparation, and non-medical personal support.

**Senior Health Partners**

269-441-0948

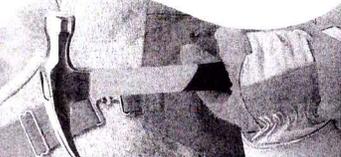


### Dental Services★

Dentures, extractions, fillings, and other dental services are available.

**Fountain Clinic**

269-781-0952



### Handy Helper Services★

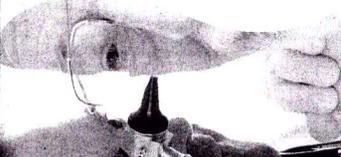
Provides simple home maintenance to senior homes.

### Bed Bug Remediation★

Assists senior homeowners with treatment for bed bugs.

**Senior Services of SWMI**

866-200-8877



### Hearing & Vision Services★

Hearing screenings, hearing aids, eye exams, and glasses for seniors without insurance.

**CareWell Services SW**

269-441-0930



### Home Heating Assistance★

Assists seniors in paying past due heat-related utility bills.

**Community Action**

269-965-7766

**All services are funded by the citizens of Calhoun County through support of the Senior Millage. Services are available to any County resident, aged 60 and over.**

**★ Income limits apply to these programs.**

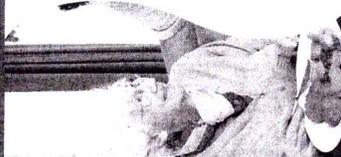


### Legal Assistance

Legal advice and representation★ for seniors.

**Legal Services of South Central Michigan**

269-965-3951 or 800-688-3951

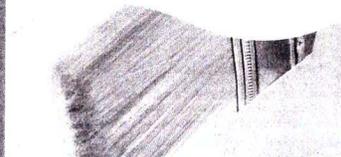


### Meal Programs

Home-delivered meals are available to homebound seniors, and group meal sites are available throughout Calhoun County.

**Senior Services of SWMI**

866-200-8877



### Minor Home Repair★

Repairs for senior homeowners for health and safety maintenance of their homes.

**Community Action**

269-965-7766 or 877-422-2726



### Money Management★

One-on-one assistance with finances to help maintain independence.

**Guardian Finance & Advocacy Services**

269-788-1678 or 866-963-3253

Calhoun  
County



# Calhoun County

## 11<sup>th</sup> Annual Senior Fair

**Wednesday, April 8, 2020**

**10:00am to 1:30pm**

Free Bag lunch - 11:00am—1:00pm

### **Marshall Middle School Gymnasium**

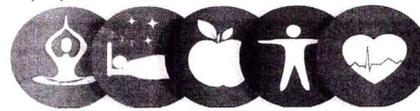
100 E. Green Street, Marshall, MI 49068

This **FREE** event has over **90 Vendor** displays of special interest to older adults, caregivers and families.



COMMUNITY  
RESOURCES

HEALTH &  
WELLNESS



#### **Exhibits in Cafeteria**

***Miles for Memories* - Great Brain  
Help Home Program - ID Bracelets  
Smart911 Registration  
Seymour the Inflatable Colon  
Help station for Census 2020**

Call (269) 781-0846 for more information

#### ***Sponsors:***



**Oaklawn**  
Real People. Real Care.



**MARSHALL  
COMMUNITY**  
FOUNDATION



**Evergreen**  
Senior Care & Rehab Center