EAST LANSING ORDINANCES REGARDING MEDICAL MARIHUANA

Licensing Provisions

Sec. 8-551. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:


Dispensary means any of the following: (1) two or more primary caregivers growing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (2) two or more primary caregivers storing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (3) two or more primary caregivers delivering, transferring, or providing qualifying patients with medical marihuana out of the same building or lot except for multiple-unit residential structures; (4) two or more primary caregivers growing medical marihuana in the same unit of a multiple-unit residential structure; (5) two or more primary caregivers storing medical marihuana in the same unit of a multiple-unit residential structure; or (6) two or more primary caregivers delivering, transferring or providing qualifying patients with medical marihuana out of the same unit of a multiple-unit residential structure.

Marihuana means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Primary caregiver means a person who is registered under the Michigan Medical Marihuana Act and is defined as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means either of the following: (1) a building, structure or lot from which a single primary caregiver transfers, delivers or provides marihuana to his or her qualifying patients; or (2) a building, structure or lot where a primary caregiver grows and/or stores medical marihuana that is not the primary caregiver's primary residence.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition for purposes of the Act.

Registered qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition and who has received a registry identification card.

Registry identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Sec. 8-561. - Required; prohibitions; fee; application.

(a) No person shall conduct a primary caregiver operation or allow, operate, or assist in the operation of a dispensary except in compliance with the zoning regulations and without the dispensary or primary
caregiver operation having first obtained and being in possession of a valid license issued by the city clerk.

(b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name, date of birth of each primary caregiver and address of the intended location of the dispensary or primary caregiver operation, a copy of the approved special use permit for the identified address, a copy of each primary caregiver's registry identification card, the number of registered qualifying patients for each primary caregiver and the registry identification numbers of each registered qualifying patient of each primary caregiver, the maximum amount of usable marihuana and maximum number of marihuana plants the primary caregiver may have on the property at any one time, whether marihuana will be grown on the premises and whether any electrical devices are used or intended to be used in conjunction with the growing of the marihuana, and whether any structural modifications have been made or are intended to be made in conjunction with the license.

(c) The initial application fee and renewal fees shall be established by special resolution of the council, thereafter they shall be established by annual budget resolution of the city council.

Sec. 8-562. - Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

(a) A completed application, signed by each primary caregiver, has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.

(b) Proof that an annual inspection of the proposed location has been conducted by the East Lansing Police Department and the police department certifies that the dispensary or primary caregiver operation is in conformity with the state law and city ordinances. The police department may require building officials or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported structural alterations have been made or unreported electrical devices are being used in conjunction with the license.

(c) Where the application identifies electrical devices are being used or intended to be used in conjunction with the license, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.

(d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

Sec. 8-563. - Conduct of licensee.

(a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.
(b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

(c) The licensee shall immediately notify the city clerk of any changes in designations of the licensee's qualifying patients and update the information provided on the application.

Sec. 8-564. - Effect of license; suspension; daily violation.

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

(b) A license does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the act or other violations not protected by the act.

(c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by this act.

(e) Each day that a person shall conduct a primary caregiver operation without a license or allow, operate, or assist in the operation of a dispensary without the dispensary first having obtained and being in possession of a valid license for that property shall constitute a separate offense.

Sec. 8-565. - Confidentiality.

Names and addresses of applicants, licensed primary caregivers, and their qualifying patients shall be maintained as confidential records not subject to disclosure, except to authorized employees of various city departments as necessary to perform official duties or except upon order of a court of competent jurisdiction.

Zoning code provisions

Sec. 50-6. - Definitions, D through F.

Dispensary means any of the following: (1) two or more primary caregivers growing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (2) two or more primary caregivers storing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (3) two or more primary caregivers delivering, transferring or providing qualifying patients with medical marihuana out of the same building, structure or lot except for multiple-unit residential structures; (4) two or more primary caregivers growing medical marihuana in the same unit of a multiple-unit residential structure; (5) two or more primary caregivers storing medical marihuana in the same unit of a multiple-unit residential structure; or (6) two or more primary caregivers delivering, transferring or providing qualifying patients with medical marihuana out of the same unit of a multiple-unit residential structure.
Sec. 50-8. - Definitions, N through R

Primary caregiver means a person who is registered under the Michigan Medical Marihuana Act and is defined as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means either of the following: (1) a building, structure or lot from which a primary caregiver transfers, delivers, or provides marihuana to his or her qualifying patients; or (2) a building, structure or lot where a primary caregiver grows and/or stores medical marihuana that is not the primary caregiver's primary residence.

Sec. 50-94. - Standards for review.

(b) Specific uses. In addition to the standards above, to address their unique characteristics, certain uses shall also meet the applicable standards below.

(6) Dispensaries and primary caregiver operations. The following additional standards shall apply to dispensaries and primary caregiver operations:

a. They shall comply at all times and in all circumstances with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health and/or the Department of Licensing and Regulatory Affairs.

b. They must be located outside of a 1,000-foot radius from any school, including any licensed facility with after school programs, child care centers, or daycare centers, to insure community compliance with federal "Drug-Free School Zones" requirements.

c. No more than five primary caregivers may operate from a dispensary.

d. All medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the registered caregivers, as reviewed and approved by the building official and the police department.

e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana.

f. Any portion of the structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the fire department to insure compliance with the Michigan Fire Protection Code.

g. They shall not be operated from a business which sells alcoholic beverages.

h. The establishment shall not be located in such proximity to churches or community centers so as to annoy, injure, offend, disrupt, disturb, or interfere with the activities conducted thereon or
the persons conducting, attending, or traveling to or from such premises.

i. The establishment shall not cause or continue an undue concentration of similar uses in the neighborhood such that dispensaries and medical marihuana paraphernalia trade become a dominant influence or feature of the district or neighborhood and no caregiver operation or dispensary shall be located within 500 feet of another caregiver operation or dispensary.

j. The establishment shall be designed, operated, and maintained at all times consistent with responsible business practices and so that no excessive demands shall be placed upon public safety services, nor any excessive risk of harm to the public health, safety, or sanitation, interference with vehicular or pedestrian traffic or parking, or the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, or other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this section shall be a written condition of each special use permit issued to a dispensary or caregiver operation.

k. No drive-through facilities shall be permitted.

I. They may not be operated out of a residence or residential structure.

m. All transfers and deliveries of medical marihuana to qualifying patients must occur within the structure out of public view or inside the patient's residence.

n. The consumption of medical marihuana on the premises is prohibited.

**Sec. 50-154. - Uses prohibited unless permitted.**

Dispensaries and primary caregiver operations that are not otherwise identified as a permitted use in a district are prohibited.

**Sec. 50-612. - Permitted uses.**

The following uses of buildings and premises shall be permitted in the B-4 district.

(2) Principal uses permitted, subject to an approved special use permit as provided for in article II, division 3 of this chapter.

   d. Dispensaries and primary caregiver operations.