

**Official Proceedings
Pontiac City Council
74th Session of the Tenth Council**

A Special Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, March 7, 2019 at 12:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

Members Present: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward.
Mayor Waterman was present.
Clerk announced a quorum.

Communication from Planning

Pontiac Medical Marihuana Facilities Ordinance

19-71 **Approve the Agenda.** Moved by Councilperson Woodward and second by Councilperson Pietila.

Ayes: Miller, Pietila, Tylor-Burks, Waterman, Williams, Woodward and Carter
No: None
Motion Carried.

19-72 **Motion to limit Debate to 10 minutes on Medical Marihuana Facilities Ordinance No. #1.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Pietila, Tylor-Burks, Waterman, Williams, Woodward, Carter and Miller
No: None
Motion Carried.

19-73 **Motion to extend the Moratorium on the Acceptance of Applications for Medical Marihuana Facilities until March 15, 2019.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Williams, Carter and Miller
No: Woodward and Pietila
Abstain: Waterman
Motion Carried.

19-74 **Ordinance to approve a Zoning Text Amendment of the City's Zoning Ordinance to include Medical Marihuana Facilities within the City of Pontiac.** (This is the Planning Commission's

recommendation that was adopted by the Planning Commission on March 6, 2019.) Moved by Councilperson Pietila and second by Councilperson Waterman.

See Attachment Ordinance 1

Ayes: Waterman, Woodward and Pietila
No: Williams, Carter, Miller and Taylor-Burks
Ordinance Failed.

19-75 **Ordinance to approve a Zoning Text Amendment of the City's Zoning Ordinance to include Medical Marihuana Facilities within the City of Pontiac.** (This is the Revised Carter/City Council Ordinance that was a communication sent from the City Council to the Planning Commission on February 26, 2019. This Ordinance and amendment was moved by Council woman Taylor-Burks and seconded by Councilperson Miller on February 5, 2019 to be referred to the Planning Commission to be considered at its Meeting on March 6, 2019 at 6:30 p.m. Council approved the motion.) Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

See Attachment Ordinance 2

Ayes: Williams, Carter, Miller and Tylor-Burks
No: Woodward, Pietila and Waterman
Ordinance Passed.

Seven (7) individuals addressed the body during public comment.

President Kermit Williams adjourned the meeting at 1:15 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

3rd Planning Commission Medical Marihuana Ordinance Zoning Text Amendment

CITY OF PONTIAC ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE USES OF MEDICAL MARIHUANA FACILITIES IN DESIGNATED OVERLAY DISTRICTS.

THE CITY OF PONTIAC ORDAINS:

Amend Article 2 Chapters 1 and 2 Section 2.101 Table 1 and Section 2.203 Table 2 Zoning Districts is amended to add:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		MMOD	Medical Marihuana Overlay District

Amend Article 2 Chapter 2 – Section 2.203 Table 2 (Uses Permitted By District)

Commercial, Office, and Service Uses											
Residential Districts			Commercial Districts				Industrial Districts				
R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Medical Marihuana Grower								o	o	o	Section 2.544
Medical Marihuana Processor								o	o	o	Section 2.545
Medical Marihuana Provisioning Centers				o	o	o	o	o	o		Section 2.546
Medical Marihuana Safety Compliance Facility				o	o	o	o	o	o	o	Section 2.547
Medical Marihuana Secure Transporter				o	o	o	o	o	o	o	Section 2.548

o = Permitted by Special Exemption

Article 2 Chapter 5 - Development Standards for Specific Uses to add Sections 2.544, 2.545, 2.546, 2.547, and 2.548 as follows:

Section 2.544 - Medical Marihuana Grower Facilities

Grower means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center. As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.

1. Class A Grower means a Grower license to grow not more than 500 marihuana plants.
2. Class B Grower means a Grower licensed to grow not more than 1,000 marihuana plants.
3. Class C Grower means a Grower licensed to grow not more than 1,500 marihuana plants.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Grower Facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises;
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises
3. All activity related to the Medical Marihuana growing shall be done indoors;
4. Any Medical Marihuana Grower Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana plants on the premises which shall not exceed the amount permitted under the Grower License issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Medical Marihuana Grower does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility;
5. The Medical Marihuana Grower Facility shall comply at all times and in all circumstances with the MMMA, MMFLA, and the general rules of the department of licensing and regulatory affairs, as they may be amended from time to time.

B. Security

1. Medical Marihuana Grower Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24- hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the O.C. Sherriff Department;
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Grower while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises;

3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MMMA and MMFLA, as amended;

C. Nuisance Prohibited

1. Medical Marihuana Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind;
2. Medical Marihuana Grower Facilities shall produce no products other than useable Medical Marihuana intended for human consumption; and
3. No Medical Marihuana Grower 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 Medical Marihuana Grower is operated.

D. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Grower Facility.
2. Medical Marihuana Grower uses are not permitted outside the Cesar Chavez, Walton Blvd, and Silverdome Industrial Park Medical Marihuana Overlay Districts.

H. Co-Location

1. There shall be no other accessory uses permitted within the same facility other than those associated with a Processor and Provisioning Center.

Section 2.545 - Medical Marihuana Processor

Processor means a commercial entity that purchases marihuana from a Grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

A. General Provisions

1. The Processor shall comply at all times and in all circumstances with the MMA, MMFLA, and the general rules of the department of licensing and regulatory affairs, as they may be amended from time to time;
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Processor, and a sign shall be posted on the premises of each Medical Marihuana Processor indicating that consumption is prohibited on the premises;
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises
4. Any Processor Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana plants on the premises which shall not exceed the amount permitted under the Processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Processor does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility;
5. Processor Facilities shall produce no products other than useable Medical Marihuana intended for human consumption.

B. Security

1. Medical Marihuana Processor Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24- hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the O.C. Sherriff Department;
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Processor while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises;
3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MMMA and MMFLA, as amended.

C. Nuisance Prohibited

1. Processor Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind;
2. No Medical Marihuana Processor 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 Medical Marihuana Processor is operated.

H. Co-Location

1. There shall be no other accessory uses permitted within the same Facility other than those associated with a Grower and Provisioning Center;
2. The dispensing of Medical Marihuana at the Processor Facility shall be prohibited.

I. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Grower Facility.
2. Medical Marihuana Processor uses are not permitted outside the Cesar Chavez, Walton Blvd, and Silverdome Industrial Park Medical Marihuana Overlay Districts.

Section 2.546 - Medical Marihuana Provisioning Center

Provisioning Center means a commercial entity that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a Provisioning Center for the purposes of this ordinance.

A. General Provisions

1. Medical marihuana Provisioning Centers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 8:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Provisioning Center, and a sign shall be posted on the premises of each Medical Marihuana Provisioning Center indicating that consumption is prohibited on the premises;
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

B. Security

1. Medical Marihuana Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24- hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the O.C. Sherriff Department;
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Provisioning Center while the Medical Marihuana Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises.

C. Drive-through

1. Drive-through windows on the premises of a Medical Marihuana Provisioning Center shall not be permitted.

D. Nuisance Prohibited

1. No Medical Marihuana Provisioning Center 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 Medical Marihuana Provisioning Center is operated.

E. Co-Location

1. There shall be no other accessory uses permitted within the same Facility other than those associated with a Grower and Processor.

F. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Provisioning Center
2. No more than five (5) Provisioning Centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd, and C-2 Downtown Overlay Districts.
3. No more than five (5) Provisioning Centers shall be established in C-1, C-3, and C-4 zoned properties outside the Medical Marihuana Overlay Districts.

Section 2.547 - Medical Marihuana Safety Compliance Facilities

Safety Compliance facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to a medical marihuana facility.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Safety Compliance Facility, and a sign shall be posted on the premises of each Medical Marihuana Safety Compliance Facility indicating that consumption is prohibited on the premises;
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises;
3. Any Safety Compliance Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana on the premises and from which particular source. The Facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marihuana Act, as amended.

B. Security

1. Medical Marihuana Safety Compliance Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24- hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the O.C. Sherriff Department;
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Safety Compliance while the Medical Marihuana Safety Compliance Facility is not in operation shall be secured in a safe permanently affixed to the premises;
3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MMMA and MMFLA, as amended.

C. Nuisance Prohibited

1. No Medical Marihuana Safety Compliance 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 Medical Marihuana Safety Compliance is operated.

D. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Safety Compliance Facility.
2. Medical Marihuana Safety Compliance Facilities that comply with the regulations of this ordinance, state and local regulations are permitted in the Cesar Chavez, Walton Blvd, and C-2 Downtown Medical Marihuana Overlay Districts and in the C-1, C-3, and C-4 zoned properties outside the Medical Marihuana Overlay Districts.

Section 2.548 - Medical Marihuana Secure Transporter

Secure Transporter means a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee. A Secure Transporter shall comply at all times with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act and the general rules of the Department of Licensing and Regulatory Affairs.

A. General Provisions

1. Consumption and or use of marihuana shall be prohibited at a facility of a Secure Transporter;
2. A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with all state and local laws, rules, regulations and ordinances;
3. A Secure Transporter licensee and each stakeholder shall not have an interest in a Growing, Processor, Provisioning Center, or Safety Compliance Facility and shall not be a registered qualifying patient or a registered primary caregiver.
4. A Secure Transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.

B. Secure Storage

1. Storage of medical marihuana by a Secure Transporter shall comply with the following:
 - The storage facility shall not be used for any other commercial purpose.
 - The storage facility shall not be open or accessible to the general public.
 - The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.
2. All marihuana stored within the facility shall be stored within enclosed locked facilities in accordance with the MMMA as amended.
3. Onsite storage of vehicles is prohibited, except for secure transport vehicles.

C. Sanitation

1. All persons working in direct contact with marihuana being stored by a Secure Transporter shall conform to hygienic practices while on duty, including but not limited to:
 - Maintaining adequate personal cleanliness;
 - 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;
 - Refrain from having direct contact with 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.

D. Transport Driver

1. A Secure Transporter shall comply with all of the following:
 - Each driver transporting marihuana must have a chauffeur's license issued by the state;
 - Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years;
 - Each vehicle shall be operated with a two person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request;
3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit;
4. A secure transporting vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana infused product.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Secure Transporter Facility.
2. Medical Marihuana Secure Transporter Facilities that comply with the regulations of this ordinance, state and local regulations are permitted in the Cesar Chavez, Walton Blvd, and C-2 Downtown Medical Marihuana Overlay Districts and outside the Medical Marihuana Overlay Districts.

Article 3- Special Purposes – Zoning District is amended to add Chapter 11 as follows:

Chapter 11 - Medical Marihuana Overlay District

Section 3.1101 Intent

The purpose of the Medical Marihuana Overlay District (MMOD) is to provide for the placement of Medical Marihuana related uses as authorized pursuant to MMFLA state regulations, with a goal of minimizing potential adverse impacts on adjacent property owners, residential neighborhoods, and the City.

Section 3.1102 Medical Marihuana Overlay District Permitted Uses

The following uses are permitted in the Medical Marihuana Overlay Districts, provided the development also meets the Design & Building Standards set forth in Section 3.11010 of this ordinance.

1. Provisioning Center
2. Safety Compliance Facility
3. Secure Transporter
4. Grower
5. Processor

Section 3.1103 Medical Marihuana Uses Requiring Planning Commission Special Exception Permit

All Medical Marihuana uses are subject to Planning Commission approval following the Standards for Approval of Section 6.303 for Special Exception Permits, and Article 2, Chapter 5, Development Standards for Specific Uses

Section 3.1104 Standards for Special Exemption Approval

For consideration of Medical Marihuana uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each Medical Marihuana facility on its location will:

1. Not impact surrounding residential neighborhoods.
2. Provide easy access for patients with accessible parking.
3. Be adequately served by utilities with sufficient capacity.
4. Corridors and streets have the capacity to accommodate potential increases in traffic volumes.
5. Demonstrate a safe and security environment, and uphold the public welfare of the community.
6. Do not add unintended or impromptu costs to City and municipal services.
7. Comply with Section 6.303 Standards for Approval in the Pontiac Zoning Ordinance.

Section 3.1105 Licensing

1. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or nonpublic areas of the Medical Marihuana Provisioning Center.
2. All operators of medical marihuana facilities must acquire a State of Michigan & City of Pontiac License.
3. All operators of a state licensed Medical Marihuana Facility must display the license in a public common area, or area easily visible from inspectors and city officials.

Section 3.1106 Medical Marihuana Overlay Districts

Medical Marihuana Overlay District boundaries are established in the Medical Marihuana Overlay District Map (See Figure 21.) in Section 7.301. The Medical Marihuana Overlay District Maps may be a single sheet or composed of several map sheets, and shall be kept on record in the City of Pontiac Clerk and Building Safety offices. Medical Marihuana uses are permitted in the following identified Medical Marihuana Overlay Districts.

1. Cesar Chavez
2. Silverdome Industrial Park
3. Walton Blvd
4. C-2 Downtown

The Overlay District is an effective regulatory tool to implement the establishment of Medical Marihuana businesses in the City of Pontiac. An Overlay District is applied over one or more previously established zoning districts, establishing additional or stricter regulations, standards and criteria for Medical Marihuana uses in addition to those of the underlying zoning district.

Section 3.1107 MMOD Buffer Distance Restrictions

1. The proximity of the proposed medical marihuana facility shall be not less than;
 - A. 1,000 feet from an operational public or private school.
 - B. 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency.
 - C. 500 feet from a public park with playground equipment.
 - D. 500 feet from a religious institution that is defined as tax exempt by the Oakland County Assessor.
 - E. Provisioning Centers, Safety Compliance, and Secure Transporters located outside the Medical Marihuana Overlay Districts shall also comply with the residential buffer distance restriction of 300 feet from R-1, R-1A, R-1B, R-2, R-3, R-4, and R-5 residential-zoned property in the City of Pontiac.
2. Such distance between the school, childcare center, public park, religious institution, or a residential zoned property and the contemplated Medical Marihuana facility location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, religious institution, residential dwell unit or from the playground equipment in a public park, and from the primary point of ingress to the Medical Marihuana facility along the centerline to the primary site entrance driveway.
3. Vacant residential zoned lots shall be measured to the side yard setback as defined in Article 2, Chapter 3, Section 2.301 Summary of Dimension Standards of the Pontiac Zoning Ordinance.

Section 3.1108 Co-Location

1. A maximum of two medical marihuana facilities with state operating licenses may co-locate on a single parcel;
2. No two medical marihuana facilities of the same type may be located on the same parcel, except where permitted by the MMFLA;
3. Consistent with the MMFLA, any combination of Grower, Processing, and Provisioning Centers may operate as separate medical marihuana facilities in a single physical location.
 - A. Provided that the Provisioning Center is incidental to the principal use and that the total amount of internal floor areas of the structure devoted to the Provisioning Center does not exceed 20% of the floor area of the total establishment.

Section 3.1109 Space Separation

1. Unless permitted by the MMMA, public or non-public areas of the Medical Marihuana Provisioning Center must be separated from restricted or non-public areas of the Provisioning Center by a permanent barrier.
2. Unless permitted by the MMMA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public;
3. Medical Marihuana may be displayed in a sales area only if permitted by the MMMA.

Section 3.11010 Building Design, Area, Height, Bulk, & Placement

1. Building and design improvements must comply with the underlying zoning requirements for Article 2, Chapter 4 Private Frontage Design Standards and the Specific Uses Development Standards outlined in Article 2, Chapter 5.
2. Floors, walls and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair;
3. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
4. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
5. If the provisions of the MMOD are silent on building and design requirements, the requirements of the underlying district shall apply.
6. If the building and design requirements of the MMOD conflict with the requirements of the underlying district, then the building and design requirements of the MMOD shall supersede the underlying district regulations.
7. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, research, and warehousing. Negative air

pressure shall be maintained within the rooms. Exhaust outlets shall be a minimum of 25 ft. from a property line.

8. An alternative odor control system may be approved by the building official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
9. Generators must be installed to operate the air filter systems in case of power outage or failure.
10. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5 of the Zoning Ordinance.

Section 3.11011 Disposal Of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed;
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

Section 3.11012 Signage

1. It shall be prohibited to display any signs that are inconsistent with state or local law, and Article 5 of the City of Pontiac Zoning Ordinance.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical "green" cross symbol in any exterior building signage.
 - a. The following sign language is not permitted in the City; Marihuana/Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.
4. No licensed Medical Marihuana Grower shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - a. Within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school.
 - b. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

Section 3.11013 Review Authority & Establishment

1. The Planning Commission shall be the Special Exception and Site Plan Review Authority for the Medical Marihuana uses in the Medical Marihuana Overlay Districts;
2. A Special Exception Permit for medical marihuana uses require Public Notice of 500 ft. from the proposed medical marihuana Facility;
3. All Medical Marihuana uses must be in accordance with the Special Exemption Permit Review Standards outlined in Article 6, Chapter 3 the Zoning Ordinance;
4. All Medical Marihuana uses must be in accordance with all applicable General Provisions Standards outlined in Article 4 the Zoning Ordinance;
5. Herewithin, for all zoning districts with a permitted Medical Marihuana use, all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Article 7 – Definitions is amended to add Chapter 2, and Chapter 3 as follows:

Article 7 – Definitions | Chapter 2

Section 7.202 Commercial, Office, and Service Uses

- A. Provisioning Center means a commercial entity that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.
 - A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a Provisioning Center for purposes of this ordinance.
- B. Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.
- C. Secure Transporter means a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Section 7.203 Industrial Uses

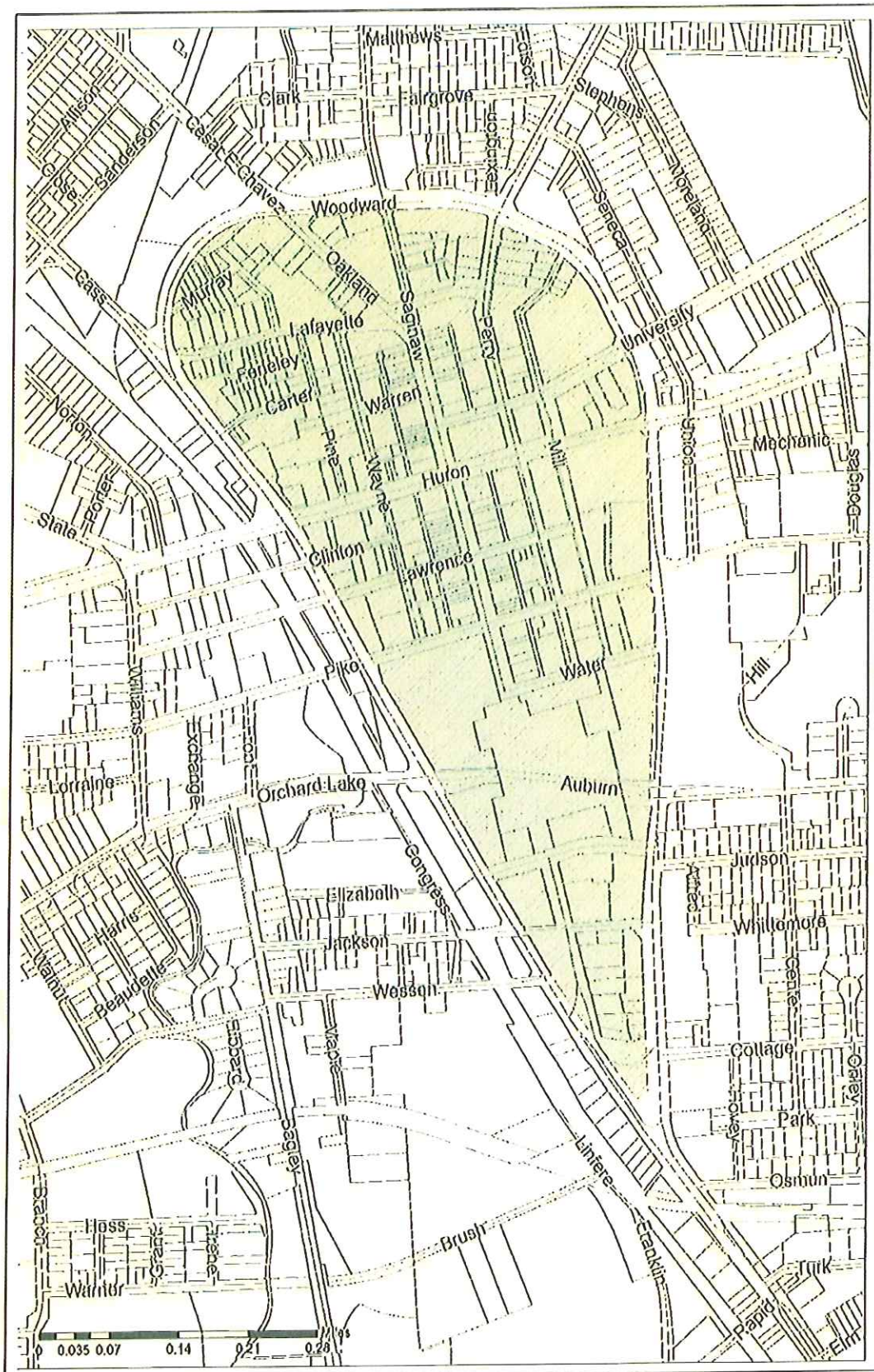
- A. Grower means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center. As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.
 - Class A Grower means a Grower license to grow not more than 500 marihuana plants.
 - Class B Grower means a Grower licensed to grow not more than 1,000 marihuana plants.
 - Class C Grower means a Grower licensed to grow not more than 1,500 plants.
- B. Processor means a commercial entity that purchases marihuana from a Grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

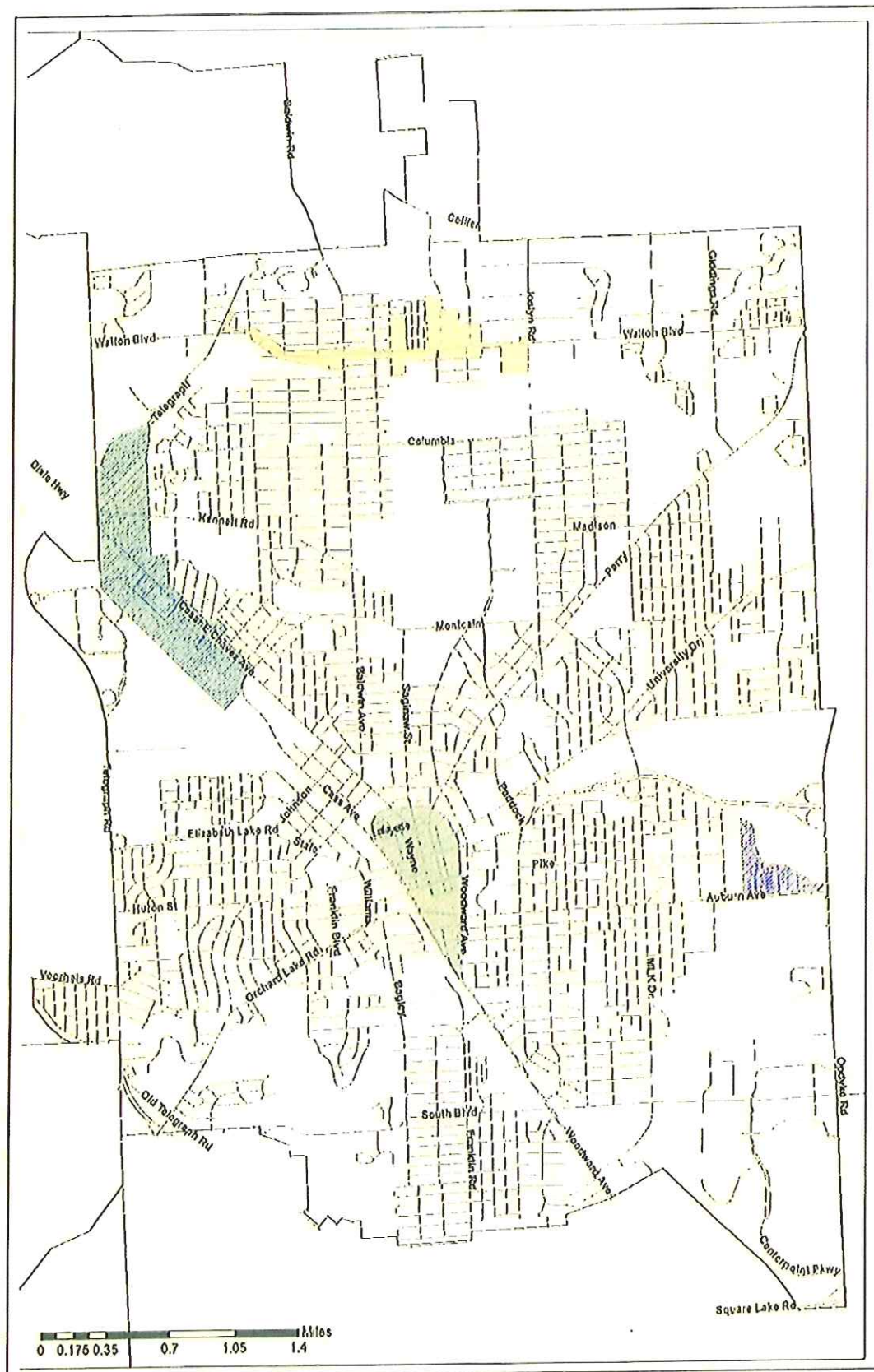
Article 7 – Definitions | Chapter 3

Section 7.301 General Definitions

- A. Cesar Chavez Medical Marihuana Overlay District (See Figure 19. Cesar Chavez Medical Marihuana Overlay District)
- B. Downtown Medical Marihuana Overlay District (See Figure 20. Downtown Medical Marihuana Overlay District)
- C. Medical Marihuana Overlay District Map indicates all areas within the City of Pontiac where Medical Marihuana Facilities are permitted. (See Figure 21. Medical Marihuana Overlay District Map)
- D. Medical Marihuana Facility means a location at which a Grower, Processor, Provisioning Center, Secure Transporter, or Safety Compliance facility is licensed to operate under the MMFLA.
- E. MMFLA means the Medical Marihuana Facilities Licensing Act, Act No. 281 of the Public Acts of 2016, being sections 333.27101 to 333.27801 of the Michigan Compiled Laws.
- F. MMMA means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, being sections 333.26421 to 333.26430 of the Michigan Compiled Laws.
- G. Silverdome Industrial Park Medical Marihuana Overlay District (See Figure 22. Silverdome Industrial Park Medical Marihuana Overlay District)
- H. Walton Blvd. Medical Marihuana Overlay District (See Figure 23. Walton Medical Marihuana Overlay District)

****To be amended in alphabetical order****

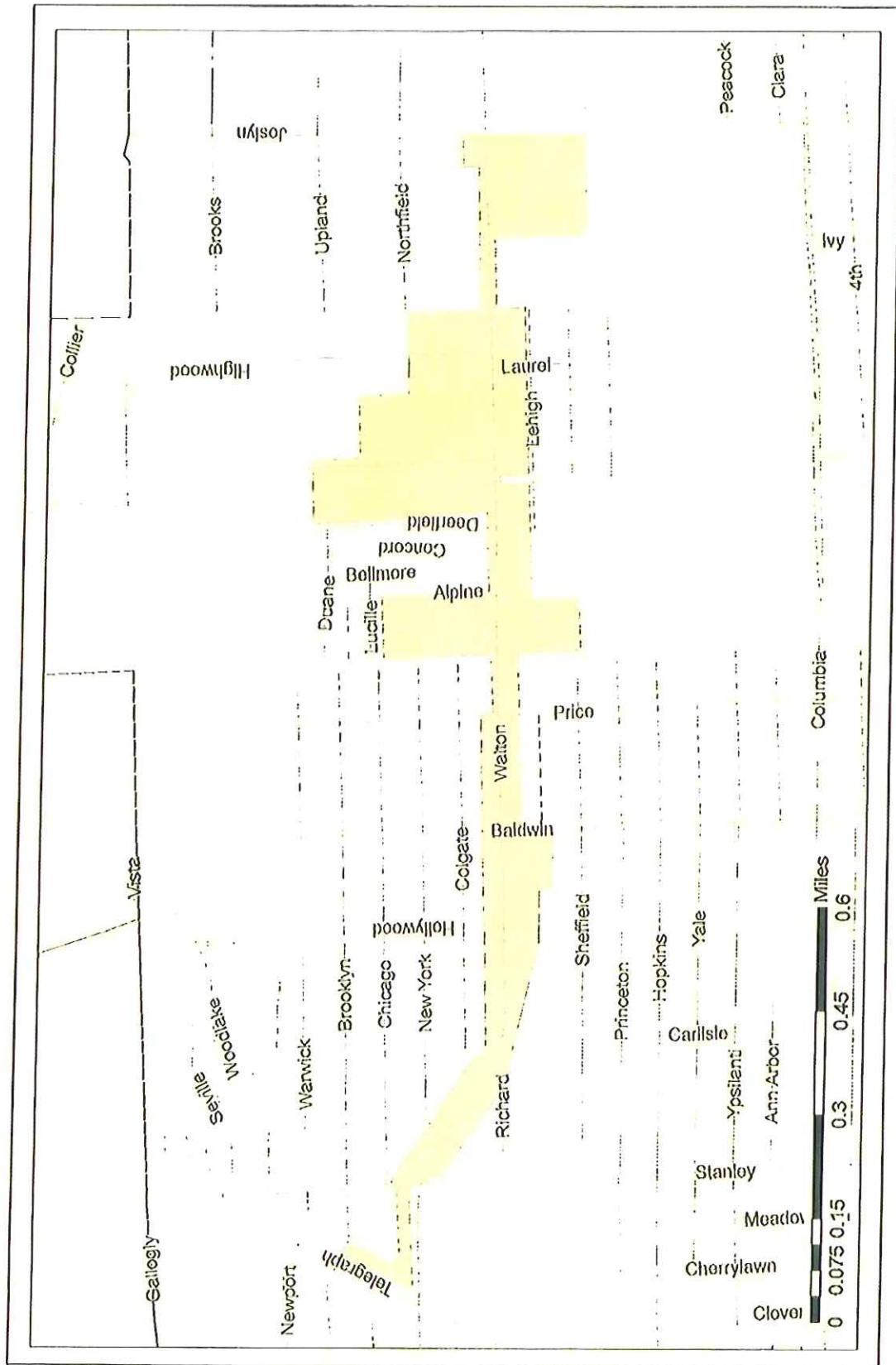




(Figure 21. Medical Marijuana Overlay District Map)



(Figure 22. Silverdome Industrial Park Medical Marijuana Overlay Districts)



(Figure 23. Walton Blvd. Medical Marijuana Overlay Districts)

Pursuant to Pontiac City Charter Provision 3.112(e), this is an EMERGENCY ORDINANCE to regulate the proliferation of medical marijuana facilities within the City of Pontiac and thereby ensure the health and safety of its residents, and shall be given immediate effect.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this _____ day of _____, 2019.

Delrdre Waterman, Mayor

Garland Doyle, Interim City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

I further certify that the foregoing was published in a newspaper of general circulation in the City of Pontiac in a manner consistent with the Charter of the City of Pontiac.

Garland Doyle, Interim City Clerk

3rd City Council Meeting
2.12.19

CITY OF PONTIAC
 ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE USES OF MEDICAL MARIHUANA FACILITIES IN DESIGNATED OVERLAY DISTRICTS.

THE CITY OF PONTIAC ORDAINS:

Article 2 Chapters 1 and 2 Section 2.101 Table 1 and Section 2.203 Table 2 Zoning Districts is amended to added;

Abbrevlation	General Zoning Districts	Abbrevlation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same		
		MMOD	Medical Marihuana Overlay Districts

Amend Article 2 Chapter 2 - Section 2.203 Table 2 (Uses Permitted By District), Not more than five (5) Medical Marihuana Provisioning Center Facilities are to be located in any one of the three MMOD overlay districts, described in Section 3.1106.

Commercial, Office, and Service Uses											
Residential Districts			Commercial Districts				Industrial Districts			Development Standards	
R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	MMOD	
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104
											Subject to Article 3, Chapter 11, Section 3.1101 - 3.1104

- Principal Permitted Uses

Article 2 Chapter 5 - Development Standards for Specific Uses is amended to add Sections 2.544, 2.545, 2.546, 2.547, and 2.548 as follows:

Section 2.544 - Medical Marihuana Grower Facilities

Grower means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center, as defined in the Medical Marihuana Facility Licensing Act ("MMFLA"). As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.

1. Class A Grower means a grower licensed to grow not more than 500 marihuana plants.
2. Class B Grower means a grower licensed to grow not more than 1,000 marihuana plants.
3. Class C Grower means a grower licensed to grow not more than 1,500 marihuana plants.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Grower Facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City Investigators during the stated hours of operation and as such other times as anyone is present on the premises.
3. All activity related to the Medical Marihuana growing shall be done indoors.
4. Any Medical Marihuana Grower Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana plants on the premises which shall not exceed the amount permitted under the Grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Medical Marihuana Grower does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility.
5. The Medical Marihuana Grower Facility shall, at all times, comply with the MMFLA and the rules and regulations of the Department of Licensing and Regulatory Affairs – Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security

1. Medical Marijuana Grower Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff Department.

2. Any usable Medical Marijuana remaining on the premises of a Medical Marijuana Grower while the Medical Marijuana Facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marijuana Grower Facility must be separated from restricted or non-public areas of the Grower Facility by a permanent barrier.

2. Unless permitted by the MMMA, no Medical Marijuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. Medical Marijuana Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind.

2. Medical Marijuana Grower Facilities shall produce no products other than useable Medical Marijuana intended for human consumption.

3. No Medical Marijuana Grower 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 Medical Marijuana Grower is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marijuana Grower Facility.

F. Disposal of Waste

1. Disposal of Medical Marijuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where Medical Marijuana is exposed.

3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marijuana leaf in any exterior building signage.
4. No licensed Medical Marijuana Grower shall place or maintain, or cause to be placed or maintained, an advertisement of medical marijuana in any form or through any medium:
 - i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location

1. There shall be no other accessory uses permitted within the same facility other than those associated with a Processor and Provisioning Center.
2. Multiple Class C licenses may be stacked in the same facility as defined by the MMFLA, and shall only be considered as one facility for the purposes of this subsection, provided that a separate application fee is paid for each Class C license.

I. Building Design

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.

Section 2.545 - Medical Marijuana Processor

Processor means a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in package form to a Provisioning Center.

A. General Provisions

1. The Processor shall comply at all times and in all circumstances with the MM FLA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Processor, and a sign shall be posted on the premises of each Medical Marihuana Processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City Investigators during the stated hours of operation and as such other times as anyone is present on the premises.
4. Any Processor Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana product on the premises which shall not exceed the amount permitted under the Processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Processor does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility.
5. Processor Facilities shall not produce any products other than those marihuana-infused products allowed by the MMFLA and the rules promulgated thereunder.

B. Security

1. Medical Marihuana Processor Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff Department.
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Processor while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MM FLA, as amended.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marihuana Processor Facility must be separated from restricted or non-public areas of the Processor Facility by a permanent barrier.
2. Unless permitted by the MMFLA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. Processor Facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.
2. No Medical Marihuana Processor 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 Medical Marihuana Processor is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Processor Facility.

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Medical Marihuana Processor shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

- I. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- II. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location

1. There shall be no other accessory uses permitted within the same facility other than those associated with a Grower and Provisioning Center.
2. The dispensing of Medical Marijuana or Medical Marijuana at the Processor Facility shall be prohibited.

I. Building Design

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

Section 2.546 - Medical Marijuana Provisioning Center

Provisioning Center means a commercial entity that purchases marijuana from a Grower or Processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marijuana is sold at retail to registered, qualifying patients, or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marijuana registration process in accordance with the MMMA is not a Provisioning Center for purposes of this ordinance.

A. General Provisions

1. Medical Marijuana Provisioning Centers shall be closed for business, and no sale or other distribution of marijuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marijuana and/or alcohol shall be prohibited on the premises of a Medical Marijuana Provisioning Center, and a sign shall be posted on the premises of each Medical Marijuana Provisioning Center indicating that consumption is prohibited on the premises.

3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

B. Security

1. Medical Marihuana Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff Department.

2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Provisioning Center while the Medical Marihuana Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation

1. Unless permitted by the MMFLA public areas of the Medical Marihuana Provisioning Center must be separated from restricted or non-public areas of the Provisioning Center by a permanent barrier.

2. Unless permitted by the MMFLA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Medical Marihuana may be displayed in a sales area only if permitted by the MMFLA.

D. Nuisance Prohibited

1. No Medical Marihuana Provisioning Center 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 Medical Marihuana Provisioning Center is operated.

E. Drive-Through

1. Drive-through windows on the premises of a Medical Marihuana Provisioning Center shall be prohibited.

F. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Provisioning Centers.

2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Provisioning Center.

G. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. Signage

1. It shall be prohibited to display any signs that are inconsistent with local laws of regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Medical Marihuana Provisioning Center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

I. Co-location

1. There shall be no other accessory uses permitted within the same Facility other than those associated with a Grower and Processor..

Section 2.547 - Medical Marihuana Safety Compliance Facility

Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to a Medical Marihuana Facility.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Safety Compliance Facility, and a sign shall

be posted on the premises of each Medical Marijuana Safety Compliance Facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

3. Any Medical Marijuana Safety Compliance Facility shall maintain a log book and/or a database identifying by date the amount of Medical Marijuana on the premises and from which particular source. The Facility shall maintain the confidentiality of qualifying patients in compliance with the MMMA, and MMFLA, as amended.

B. Security

1. Medical Marijuana Safety Compliance Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable Medical Marijuana remaining on the premises of a Medical Marijuana Safety Compliance Facility while the Medical Marijuana Safety Compliance Facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All Medical Marijuana shall be contained within the building in an enclosed, locked facility in accordance with the MMFLA, as amended.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marijuana Safety Compliance Facility must be separated from restricted or non-public areas of the Safety Compliance Facility by a permanent barrier.

2. Unless permitted by the MMFLA, no Medical Marijuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. No Medical Marijuana Safety Compliance Facility 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 Medical Marijuana Safety Compliance Facility is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Safety Compliance Facility.

2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Safety Compliance Facility.

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the city so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Medical Marihuana Safety Compliance Facility shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and

ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.

2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

Section 2.548 - Medical Marihuana Secure Transporter

Secure Transporter means a commercial entity located in this state stores marihuana and transports marihuana between medical marihuana facilities for a fee. A Secure Transporter shall comply at all times with the MMFLA and the rules promulgated thereunder.

A. General Provisions

1. Consumption and/or use of marihuana shall be prohibited at a facility of a Secure Transporter.
2. A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with all state and local laws, rules, regulations and ordinances.
3. A Secure Transporter licensee and each stakeholder shall not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility.
4. A Secure Transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.

B. Secure Storage

1. Storage of medical marihuana by a Secure Transporter shall comply with the following:
 - i. The storage facility shall not be used for any other commercial purpose.
 - ii. The storage facility shall not be open or accessible to the general public.
 - iii. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinances.
2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MMFLA, as amended.

C. Sanitation

1. All persons working in direct contact with marihuana being stored by a Secure Transporter shall conform to hygienic practices while on duty, including but not limited to:
 - i. Maintaining adequate personal cleanliness.
 - ii. 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.
 - iii. Refrain from having direct contact with 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.

D. Disposal of Waste

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

E. Transport Driver

1. A Secure Transporter shall comply with all of the following:

i. Each driver transporting marihuana must have a chauffeur's license issued by the state.

ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years.

iii. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.

2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.

3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit.

4. A secure transporter vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana infused product.

F. Signage

1. It shall be prohibited to display any signs that are inconsistent with local laws of regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Medical Marihuana Secure Transporter shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

- i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

Article 3 - Special Purposes - Zoning District is amended to add Chapter 11 as follows: Chapter 11- Medical Marijuana Districts

Section 3.1101 – Intent

The purpose of the Medical Marijuana Overlay District (MMOD) is to provide for the placement of Medical Marijuana related uses as authorized pursuant to State regulations with a goal of minimizing potential adverse impacts on adjacent property owners, neighborhoods, and the City.

Section 3.1102 - Medical Marijuana Overlay District Principal Permitted Uses

The following are principal permitted uses in the Medical Marijuana Overlay District, provided the development also meets the Design & Building Standards set forth in Section 3.1109 and Article 2 Chapter 5 Development Standards for Specific Uses:

1. Provisioning Center;
2. Safety Compliance Facility;
3. Secure Transporter;
4. Grower; and
5. Processor.

Section 3.1103 - Medical Marijuana Overlay District Permitted Accessory Uses

1. Off-Street Parking, Loading and Unloading as required per Section 4.307; and
2. Any use that is not incidental to the permitted principal use.

Section 3.1104 - Medical Marijuana Overlay District Principal Permitted Uses Requiring Site Plan Review

All principal permitted uses of the MMOD are subject to Site Plan Review set forth in Article 6, Chapter 2, Section 6.202.

Section 3.1105 – Licensing

All operators of medical marijuana facilities must obtain a State of Michigan & City of Pontiac License.

Section 3.1106 - MMOD Location Description

The Medical Marijuana uses permitted in the MMOD must meet the following requirements:

- A. OVERLAY #1: All properties along Walton Blvd and streets north of Walton Blvd between the west side of Telegraph Road to Joslyn Avenue including those contained within Overlay Map 1 for this MMOD.
- a. Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #1.
- B. OVERLAY #2: Maintain frontage along Cesar Chavez, starting from the west side of West Blvd in the City of Pontiac to northern side of W. Montcalm St., also including:
1. Pershing Ave;
 2. Durant Ave;
 3. Inglewood Ave; and
 4. Ojsta Ave.

Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #2. See Overlay Map #2 for this MMOD.

- C. OVERLAY #3: All properties within C-2 Downtown zoned district.
- a. Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #3.

Section 3.1107 - Permitted Uses in Commercial Districts (Non-Overlay)

In addition to MMOD Locations as described in Section 3.1106, all medical marijuana uses, excluding Medical Marijuana Grower and Processor, are permitted in C-0, C-1, C-3, C-4, M-1 and M-2 districts subject to all requirements under this Chapter 11, including but not limited to Section 3.1108 - Buffer

Distance Restrictions. There shall be no more than five (5) Medical Marihuana Provisioning Centers allowed in all of C-0, C-1, C-3, C-4, M-1 and M-2 districts combined, and shall be awarded based on the highest scoring applications received for those proposed qualifying locations that are not in one of the three Overlay Districts described in Section 3.1106 above.

Section 3.1108 - Buffer Distance Restrictions

- A. The proximity of the proposed medical marihuana facility shall not be less than:
1. 1,000 feet from an operational public or private school;
 2. 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
 3. 500 feet from a public park with playground equipment;
 4. 500 feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and
 5. Applicable only for properties located in a C-0, C-1, C-3, and C-4 Commercial and M1 and M2 zoned districts:
 - I. 200 feet from a residential-zoned property. Notwithstanding anything contained within Section 3.1107, B to the contrary, such distance between a residentially-zoned property and the contemplated location shall be measured at right angles.
- B. Such distance between the school, childcare center, public park, or religious institution, and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines at right angles to the centerline from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the medical marihuana facility along the centerline to the primary site entrance driveway

Section 3.1109 - Co-Location

- A. Consistent with the MMFLA and rules promulgated by the department, any combination of Growers, Provisioning Centers, and Processors may operate as separate medical marihuana facilities at the same physical location;

- B. A maximum of two medical marihuana facilities with state operating licenses may co-locate on a single parcel;
- C. No two medical marihuana facilities of the same type may be located on the same parcel;
- D. Medical Marihuana Provisioning Center, consistent with the MMFLA, any combination of Grower, Processor, and Provisioning Centers may operate as separate medical marihuana facilities in the physical location. Provided that the Provisioning Center is incidental to the principal use and that the total amount of internal floor areas of the structure located to the Provisioning Center does not exceed 20% of the floor area of the total establishment;

Section 3.1110 - Building Design, Area, Height, Bulk, and Placement

- A. Building and design improvements must comply with the underlying zoning requirements and the Specific Uses Development Standards outlined in Article 2, Chapter 5 of this Zoning Ordinance.
- B. If the provisions of the MMOD are silent on building and design requirements, the requirements of the underlying district shall apply.
- C. If the building and design requirements of the MMOD conflict with the requirements of the underlying district, then the building and design requirements of the MMOD shall supersede the underlying district regulations.

Section 3.1111 - Review Authority and Establishment

- A. The Planning Commission shall be the Special Exception and Site Plan Review Authority for the permitted medical marihuana uses in the MMOD;
- B. A Special Exception Permit for medical marihuana uses require Public Notice of 500 feet from the proposed medical marihuana facility;
- C. All permitted medical marihuana uses must be in accordance with the Uses Development Standards outlined in Chapter 2 of the Zoning Ordinance;
- D. Within the MMOD all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Article 7 - Definitions is amended to add Chapter 2, and Chapter 3 as follows: Article 7 - Definitions I
Chapter 2

Section 7.202 Commercial, Office, and Service Uses

A. Provisioning Center means a commercial entity that purchases medical marihuana from a Grower or Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.

1. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

B. Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

C. Secure Transporter means a commercial entity located in this state that stores marihuana and transports medical marihuana between medical marihuana facilities for a fee.

Section 7.203 - Industrial Uses

A. Grower means a commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a Processor or Provisioning Center. As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.

- a. Class A Grower means a grower license to grow not more than 500 marihuana plants.
- b. Class B Grower means a grower license to grow not more than 1,000 marihuana plants.
- c. Class C Grower means a grower license to grow not more than 1,500 marihuana plants.

B. Processor means commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in package form to a Provisioning Center.

C. Provisioning Center means a commercial entity that purchases marihuana from a Grower or

Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.

- a. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.
- D. Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.
- E. Secure Transporter means a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Article 7 - Definitions | Chapter 3

Section 7.301-General Definitions

- A. Medical Marihuana Facility means a location at which a Grower, Processor, Provisioning Center, Secure Transporter, or Safety Compliance Facility is licensed to operate under the MMFLA.
- B. MMLFA means the Medical Marihuana Facilities Licensing Act, Act No. 281 of the Public Acts of 2016, being Sections 333.27101 to 333.27801 of the Michigan Compiled Laws.
- C. MMMA means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, being Sections 333.26421 to 333.26430 of the Michigan Compiled Laws.

Pursuant to Pontiac City Charter Provision 3.112(e), this is an EMERGENCY ORDINANCE to regulate the proliferation of medical marihuana facilities within the City of Pontiac and thereby ensure the health and safety of its residents, and shall be given immediate effect.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this _____ day of _____, 2019.

Deirdre Waterman, Mayor

Garland Doyle, Interim City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council on the
_____ day of _____ 2019.

Garland Doyle, Interim City Clerk

I further certify that the foregoing was published in a newspaper of general circulation in the City of
Pontiac in a manner consistent with the Charter of the City of Pontiac.

Garland Doyle, Interim City Clerk