

**CITY OF TRENTON
REGULAR MEETING
AUGUST 5, 2019**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Stack at 7:06 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Debra Devitt: Councilpersons Timber Baun-Crooks, Richard Benedetti, Robert Howey, William LeFevre, Steven Rzeppa and Mayor Kyle Stack.

Absent: Councilman Nelson Perugi.

Moved by Councilman Howey, seconded by Councilman Benedetti, to excuse the absence of Councilman Nelson Perugi.

Carried unanimously.

There being a quorum present, the Council was declared in session.

Other Officers Present: Wallace Long, City Attorney; Scott Church, City Administrator; John Laub, Human Resources Director; John Dahlquist, City Assessor; Joanie Barnett, Deputy City Assessor; Michael McCullough, City Treasurer; Jill Cooper, Deputy City Treasurer; Karen Sall, City Controller; Paul Haley, Emergency Management Coordinator; William Hogan, City Engineer; Joann Gonyea, Parks and Recreation Director; Dean Creech, Fire Chief; Steven Voss, Director of Police and Fire Services; and Todd Scheffler, Police Chief.

MINUTES

Moved by Councilman Rzeppa, seconded by Councilwoman Baun-Crooks, to approve the minutes of the Regular Meeting of July 15, 2019.

Carried unanimously.

APPOINTMENTS

Moved by Councilman Howey, seconded by Councilman Rzeppa, to approve the Mayor's reappointment of Chuck Earl to the Building Code of Appeals, and the reappointment of Scott Cabauatan to the Planning Commission, for terms expiring August 1, 2022.

Roll call: Benedetti, yes; Howey, yes; LeFevre, yes; Rzeppa, yes; Stack, abstain; and Baun-Crooks, yes.

Motion carried.

COMMUNICATIONS AGENDA

GENERAL

- G-1. Michigan Municipal League: Designation of Voting Delegates
- G-2. 33rd District Court: Caseflow Assistance Funds Fiscal Year 2018
- G-3. 33rd District Court: Court Technology 2019 Second Quarterly Payment
- G-4. 33rd District Court: Fines, Costs, Fees, June 2019

DEPARTMENT HEADS AND OFFICIALS

- I-1. City Attorney: Ordinance 801, Medical Marihuana Establishments (1st Reading)

COMMUNICATIONS

G-1

Michigan Municipal League
Designation of Voting Delegates

Moved by Councilman Howey, seconded by Councilman Benedetti, to designate Councilwoman Baun-Crooks as the representative voting delegate at the annual meeting of the Michigan Municipal League to be held on September 25, 2019.

Roll call: Howey, yes; LeFevre, yes; Rzeppa, yes; Stack, yes; Baun-Crooks, abstain; and Benedetti, yes.

Motion carried.

Moved by Councilman Howey, seconded by Councilman Benedetti, to designate Councilman Rzeppa as the alternate voting delegate at the annual meeting of the Michigan Municipal League to be held on September 25, 2019.

Roll call: LeFevre, yes; Rzeppa, abstain; Stack, yes; Baun-Crooks, yes; Benedetti, yes; and Howey, yes.

Motion carried.

Moved by Councilman Howey, seconded by Councilman Benedetti, to designate Mayor Stack as the second alternate voting delegate at the annual meeting of the Michigan Municipal League to be held on September 25, 2019.

Roll call: Rzeppa, yes; Stack, abstain; Baun-Crooks, yes; Benedetti, yes; Howey, yes; and LeFevre, yes.

Motion carried.

G-2
33rd District Court
Caseflow Assistance Funds Fiscal Year 2018

Moved by Councilman LeFevre, seconded by Councilman Howey, to receive and place on file the Caseflow Assistance funds from the State of Michigan for fiscal year 2018, submitted by the 33rd District Court, showing the City of Trenton receiving \$3,309.73.

Carried unanimously.

G-3
33rd District Court
Court Technology 2019 Second Quarterly Payment

Moved by Councilman LeFevre, seconded by Councilman Howey, to receive and place on file the 2019 Second Quarter payment from the Court Technology Fund to the SINC Consortium, submitted by the 33rd District Court, showing the City of Trenton receiving \$4,289.00.

Carried unanimously.

G-4
33rd District Court
Fines, Costs, Fees, June 2019

Moved by Councilman LeFevre, seconded by Councilman Howey, to receive and place on file the Fines, Costs, Fees, June 2019, submitted by the 33rd District Court, showing the City of Trenton owing \$539.72.

Carried unanimously.

I-1
City Attorney
Ordinance 801, Medical Marihuana Establishments (1st Reading)

**CITY OF TRENTON
ORDINANCE NO. 801**

AN ORDINANCE AMENDING CHAPTER 22 ENTITLED "BUSINESSES" OF THE CODE OF ORDINANCES FOR THE CITY OF TRENTON BY ADDING ARTICLE XII TO SET FORTH THE REGULATIONS FOR THE OPERATION OF MARIHUANA ESTABLISHMENTS.

THE CITY OF TRENTON ORDAINS:

Section 1. Chapter 22 entitled BUSINESSES to add Sections 600 to 610 to read as follows:

Section 600. Medical Marihuana Establishments Licenses.

Sec. 22-601. Definitions, Interpretation and Conflicts.

- Sec. 22-602. License Allocation and Annual Fees.
- Sec. 22-603. Medical Marihuana Processing Center and Medical Marihuana Grower Facility License Applications.
- Sec. 22-604. Minimum Operational Standards of Medical Marihuana Processing Centers.
- Sec. 22-605. Minimum Operational Standards of Medical Marihuana Grower Facilities.
- Sec. 22-606. Minimum Operational Standards of Safety Compliance Facilities.
- Sec. 22-607. Location of Medical Marihuana Processing Centers.
- Sec. 22-608. Location of Medical Marihuana Grower Facilities, Safety Compliance Facilities, Processors Facilities, and Secure Transporters Facilities
- Sec. 22-609. Denial and Revocation.
- Sec. 22-610. Penalties and Discipline.

Sec. 22-601. 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”), shall have the definition given in the Michigan Medical Marihuana Act, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA, or if a term is not defined but is defined in the MMMA, then the definition in the MMMA shall apply.
- (b) Any term defined by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended (“MMFLA”), shall have the definition given in the Michigan Medical Marihuana Facilities Licensing Act, as amended. Any term defined by 21 USC 860(e) shall have the definition given by 21 USC 860(e).
- (c) This Ordinance shall not limit an individual’s or entity’s rights under the MMMA and the MMFLA. The MMMA and the MMFLA supersedes this Ordinance where there is a conflict between them.
- (d) All activities related to Medical Marihuana, including those related to a Medical Marihuana Processing Center, a Medical Marihuana Cultivation Facility, Secure Transporter, Processor or a Safety Compliance Facility shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs or any successor agency, rules, and regulations of the City of Trenton, and the MMMA.
- (e) Any use which purports to have engaged in the cultivation or processing of Medical Marihuana into a usable form, or the distribution of Medical Marihuana, or the testing of Medical Marihuana either prior to enactment of said act, or after enactment of said act but without obtaining the required licensing set forth in this Ordinance, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and and/or state law.
- (f) The following terms shall have the definitions given:

“Cultivation” or “Cultivate” as used in this Ordinance shall mean (i) all phases of growth of marihuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana; or (iii) to the extent permitted by the MMMA, if at all, the extraction of resin from the marihuana or the creation of marihuana infused products for sale or packaged form to a Medical Marihuana Processing Center.

“Medical Marihuana” mean any marihuana intended for medical use that meets all requirements for medical marihuana contained in the MMMA and the MMFLA and any other applicable law.

“Medical Marihuana Provisioning Center” means a licensee that is a commercial entity located in the City that has a license from the State and the City 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. Medical marihuana Processing 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 Michigan medical marihuana act is not a Medical Marihuana Processing center for purposes of this ordinance.

“Medical Marihuana Grower Facility,” also known as “Medical Marihuana Cultivation Facility,” means a licensee that is a commercial entity located in the City and is licensed by the State and City that cultivates, dries, trims or cures and packages marihuana for sale to a processor or Medical Marihuana Processing Center.

“Medical Marihuana Facility” term used to collectively refer to a licensee under this Chapter.

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

“Processor” means a licensee that is a commercial entity located in this City that has a license issued by the State and City 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 Medical Marihuana Provisioning Center.”

“Safety Compliance Facility” means a licensee that is a commercial entity that is licensed by the State and City that receives marihuana from a Medical Marihuana Establishment or a registered qualifying patient or a registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, and returns it to the marihuana facility or a registered qualifying patient or registered primary caregiver with the test results.

“Secure Transporter” means a licensee that is licensed by the State and City that is a commercial entity located in this City that stores marihuana and transports marihuana between Medical Marihuana Facilities for a fee.

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

“Restricted/Limited Access Area” means, a building, room or other area under the control of the licensee with access limited to qualifying patients, designated caregivers, staff members, and other licensee agents or service professionals conducting business within the licensed facility.

Sec. 22-602. License Allocation and Annual Fees.

- (a) No person shall operate a Medical Marihuana Processing Center, Medical Marihuana Grower Facility, Medical Marihuana Cultivation Facility, Processor Facility or Safety Compliance Facility in the City of Trenton without first obtaining a license to do so from the City Clerk and the State of Michigan, if required and permitted.
- (b) The City Clerk may issue no more than four (4) licenses for each category of licenses permitted in this Ordinance or the number authorized by the State if it is less than four (4) for Medical Marihuana Establishments, whether profit or non-profit. The term of each license shall be one (1) year.
- (c) The non-refundable application fee for a Medical Marihuana Facility license shall be \$2,000.00. The annual fee for a Medical Marihuana Facility License shall be \$5,000.00.
- (d) The maximum number of Medical Marihuana Facilities allowed to be licensed at a one time shall be four (4) for each of the two types of Medical Marihuana Facility permitted by the City or the number permitted by the State of Michigan, whichever is less. No one individual or Stakeholder shall be allowed to have more than one license for each of the Medical Marihuana Facilities. The term of each license shall be one (1) year.

Sec. 22-603. Medical Marihuana Processing Center and Medical Marihuana Grower Facility License Applications.

- (a) Application for a Medical Marihuana Facility license required by this Chapter shall be made in writing to the City Clerk, approved by the Clerk, and approved by the State of Michigan, if required, prior to commencing operation of a Medical Marihuana Facility. Upon the expiration of an existing license, a license will be automatically renewed by the City of Trenton if (1) there are no uncured administrative violations in the prior year; and (2) the applicant has paid the annual licensing fee for the renewal period; and (3) any Stakeholder changes have been fully disclosed to the City of Trenton.
- (b) An application for a Medical Marihuana Facility license required by this chapter shall contain the following:
 - (1) The appropriate non-refundable application fee and the non-refundable license fee in the amount per section 22-602;
 - (2) If the applicant is an individual, the applicant's name, date of birth, physical address, copy of photo identification, email address, and one or more phone numbers, including emergency contact information;
 - (3) If the applicant is not an individual, the names, dates of birth, physical addresses, copy of photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder as an emergency contact person and contact information for the emergency contact person. Articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation

letter, and the operating agreement of the applicant, if a limited liability company;

- (4) The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary by the City Clerk;
- (5) For the applicant, for each stakeholder of the applicant, and each agent or employee of the applicant, an affirmation under oath as to whether they are at least 21 years of age and have never been indicted for, charged with, arrested for, convicted of or pled guilty or nolo contendere to a felony or controlled substance related misdemeanor, and if not the case, then the name and location of the court, arresting agency, and prosecuting agency, the case caption, the offense, the disposition, and the location and length of incarceration;
- (6) A signed release authorizing the City of Trenton Police Department to perform a criminal background check to ascertain whether the applicant, each stakeholder of the applicant, each operator and employee of the applicant meet the criteria set forth in this Ordinance;
- (7) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee of the Medical Marihuana Facility, if other than the applicant;
- (8) 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 therefore;
- (9) Proof that the applicant, operator and their employees are primary caregivers, only if required under the MMMA; One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility 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 the lease for the premises;
- (10) Proof of an insurance policy covering the Medical Marihuana Facility and naming the City as an additional insured party, 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 one million (\$1,000,000.00) dollars for property damage; (b) at least two million (\$2,000,000.00) dollars for injury to one person; and (c) at least four million (\$4,000,000.00) dollars 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+;
- (11) A description of the security plan for the Medical Marihuana Facility, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;
- (12) A Site and Floor Plan or blueprint drawn to scale by a State of Michigan licensed engineer or architect of the Medical Marihuana Facility building and the location

of same within the building if a multi-tenant building, together with details of how it is separated from the other occupants of the same building;

- (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 obligations to the City;
- (14) An affidavit that the transfer of marihuana to and from Medical Marihuana Facilities shall be in compliance with the MMMA and the MMFLA;
- (15) A Staffing Plan;
- (16) Description of the process for tracking quantities and inventory controls for Medical Marijuana in any form;
- (17) Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;
- (18) Patient Education plan;
- (19) Description of the process for tracking quantities and inventory controls for Medical Marihuana in any form;
- (20) A Business Plan;
- (21) A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject facility's property line) to the subject Medical Marihuana Facility to the closest real property comprising a public or private elementary, vocational or secondary school; or another licensed Medical Marihuana Facility;
- (22) A Facility Sanitation Plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;
- (23) Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the Medical Marihuana Facility, but in no event less than \$250,000.00 in immediately available funds;
- (24) As it relates to a Medical Marihuana Grower Facility, the following additional items shall be required:
 - (i) A Cultivation Plan that includes at a minimum a description of the cultivation methods to be used, including plans for the growing mediums, treatments and/or additives;
 - (ii) A Product Testing Plan that includes at a minimum a description of how and when samples for laboratory testing will be selected, what type of testing will be requested, and how the test results will be used;

- (iii) An affidavit that at least one primary caregiver, if required and permitted under the MMMA, is to be involved in cultivation of Marihuana Grower facility and no more than the permitted number of medical marihuana plants per the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act will be cultivated on the premises at any one time;
 - (iv) A Chemical and Pesticide Storage Plan that states the names of pesticides to be used in cultivation and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;
 - (v) All cultivation must be performed indoors or in an enclosed greenhouse.
- (c) Upon receipt of a completed Medical Marihuana Facility application meeting the requirements of this chapter and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to subsection 22-602(b) , the City Clerk shall refer a copy of the application to each of the following for their review and approval: the City Attorney, the Police Department, the Fire Department, the Building Safety Office, the Zoning Administrator, and the City Treasurer. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, applications will receive a date stamp by the city clerk verifying the date the application is deemed complete. All Medical Marihuana Facility applications stamped and dated by the City Clerk as complete will be reviewed for approval on a first-come-first-serve basis.
- (d) No application shall be approved unless:
- (1) The Fire Department and the Building Safety Office have inspected the proposed location for compliance with all laws for which they are charged with enforcement;
 - (2) The applicant, each stakeholder of the applicant, and the employees and operators of the applicant, have passed a criminal background check conducted by the Police Department;
 - (3) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code;
 - (4) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City;
 - (5) The City Attorney has completed a detailed review of the Medical Marihuana Facility application for compliance with State law and City ordinances;
- (e) If written approval is given by each individual or department identified in Subsection (c), the City Clerk shall issue a license to the Applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under State law;
- (f) Licensees shall report any other change in the information required by Subsection (b) to the City Clerk within ten days of the change. Fees shall be set by Council Resolution for any stakeholder added after the original Application is filed.

Sec. 22-604. Minimum Operational Standards of Medical Marihuana Processing Centers.

- (a) No Medical Marihuana Processing Center shall be open between the hours of 11 p.m. and 7 a.m.;
- (b) Consumption of Marihuana shall be prohibited on the premises of a Medical Marihuana Processing Center, and a sign shall be posted on the premises of each Medical Marihuana Processing Center indicating that consumption is prohibited on the premises;
- (c) Medical Marihuana Processing Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days;
- (d) Unless permitted by the MMMA, public or common areas of a Medical Marihuana Processing Center must be separated from restricted or non-public areas of the Processing center by a permanent barrier. Unless permitted by the MMMA, no Medical Marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public;
- (e) All Medical Marihuana storage areas within Medical Marihuana Processing Center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, no Medical Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Medical Marihuana may be displayed in a sales area only if permitted by the MMMA;
- (f) Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Processing Center while the Medical Marihuana Processing Center is not in operation shall be secured in a safe permanently affixed to the premises;
- (g) drive-through window on the premises of a Medical Marihuana Processing Center shall not be permitted;
- (h) No medical Marihuana Processing 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 Processing Center is operated;
- (i) The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Processing Center;
- (j) 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;
- (k) All Medical Marihuana delivered to a patient shall be packaged and labeled as provided by State law.
- (l) 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 Processing Center, and if no

restricted/limited area is required, then promptly upon entering the Medical Marihuana Processing Center.

- (m) The premises shall be open for inspection upon probable cause that a violation of this chapter has occurred, during the stated hours of operation and as such other times as anyone is present on the premises.
- (n) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (o) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- (p) It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
- (q) No licensed Medical Marihuana Processing Center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - (1) Within one thousand feet of the real property comprising a public or private elementary, vocational or secondary school;
 - (2) 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.
- (r) Certified laboratory testing results that display at a minimum the tetrahydrocannabinol (THC), Cannabidiol (CBD), total cannabinoid testing result, and a pass/fail rating based on the certified laboratory's microbiological, mycotoxins, and pesticide and solvent residue analyses must be available to all Medical Marihuana Processing Center patients/customers upon request.

Sec. 22-605. Minimum Operational Standards of Medical Marihuana Grower Facilities

- (a) The following minimum standards for Medical Marihuana Grower Facilities shall apply:
 - (1) The Medical Marihuana Grower Facility shall comply at all times and in all circumstances with the MMMA and the MMFLA and the general rules of the department of licensing and regulatory affairs, as they may be amended from time to time;
 - (2) Consumption and/or use of medical marihuana shall be prohibited at the cultivation facility;
 - (3) All activity related to the cultivation facility shall be done indoors or in an enclosed greenhouse;
 - (4) The premises shall be open for inspection upon probable cause that a violation of this chapter has occurred, during the stated hours of operation and as such other times as anyone is present on the premises;

- (5) 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;
- (6) All Medical Marihuana plants will be tagged with unique identification at a minimum to include:
 - (i) The date the plant was tagged;
 - (ii) The expected harvest date;
 - (iii) The strain name of the Medical Marihuana plant.
- (7) All Medical Marihuana shall be contained within the building or greenhouse in a locked facility in accordance with the Michigan Medical Marihuana Act, as amended;
- (8) 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;
- (9) 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 Trenton Fire Department to insure compliance with the Michigan Fire Protection Code;
- (10) The dispensing of medical marihuana at the Medical Marihuana Grower facility shall be prohibited;
- (11) There shall be no other accessory uses permitted within the same facility other than those associated with cultivating, processing, or testing medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from Medical Marihuana Grower Facility;
- (12) All persons working in direct contact with Medical Marihuana 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) 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.

- (13) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed;
 - (14) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;
 - (15) There shall be adequate screening or other protection against the entry or pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests;
 - (16) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
 - (17) Each cultivation center shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;
 - (18) Medical Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
 - (19) Medical Marihuana Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind;
 - (20) Medical Marihuana Grower Facilities shall produce no products other than useable Medical Marihuana intended for human consumption.
- (b) Exterior imagery, signage or advertising identifying the facility as a Medical Marihuana Grower or Processing facility shall be prohibited.

Sec. 22-606. Minimum Operational Standards of Safety Compliance Facilities.

- (a) The following minimum standards for Safety Compliance Facilities shall apply:
- (1) The Safety Compliance Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the general rules of the department of licensing and regulatory affairs, as they may be amended from time to time;
 - (2) Consumption and/or use of medical marihuana shall be prohibited at the facility;
 - (3) The premises shall be open for inspection upon probable cause that a violation of this chapter has occurred, during the stated hours of operation and as such other times as anyone is present on the premises;
 - (4) 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;

- (5) All Medical Marihuana shall be contained within the building in an enclosed, locked facility in accordance with the Michigan Medical Marihuana Act, as amended;
 - (6) There shall be no other accessory uses permitted within the same facility other than those associated with testing medical marihuana;
 - (7) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty;
 - (8) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed;
 - (9) Floors, walls and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair;
 - (10) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;
 - (11) Medical Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;
- (b) Exterior imagery, signage or advertising identifying the facility as a medical Marihuana Safety Compliance facility shall be prohibited.

Sec. 22-607. Location of Medical Marihuana Facility.

- (a) No Medical Marihuana Facility shall be located within:
- (1) 1,000 feet of real property comprising a public or private elementary, vocational, or secondary school; or
- (b) Medical Marihuana Facility shall be subject to subsection (a) and shall be limited to the Industrial Zoned corridor defined by the following boundaries: 1. West of West Jefferson, 2. East of the Detroit Toledo and Ironton Railroad, 3. North of King Road, and 4. South of Sibley Road. Districts as identified in the City Zoning Ordinance.

Sec. 22-608. Denial and Revocation.

- (a) A license issued under this chapter may be revoked after an administrative hearing at which the City Clerk determines that any grounds for revocation under Subsection (b) exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the Licensee at least five days prior to the date of the Hearing, by first class mail to the address given on the license application or any other address provided by the City.
- (b) The City Clerk may temporarily suspend a Medical Marijuana Facility License without a hearing if the City Clerk finds that the public safety or welfare requires

emergency action. The City Clerk shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceeding for a Hearing.

- (c) If the City Clerk temporarily suspends a license without a Hearing, the licensee is entitled to a Hearing within thirty (30) days after the Suspension Notice has been issued. The Hearing shall be limited to the issues cited in the Suspension Notice, and
- (d) If the City Clerk does not hold a Hearing within thirty (30) days after the date of suspension was issued then the suspended license shall be automatically reinstated and the suspension vacated.
- (e) A license applied for or issued under this Chapter may be denied or revoked on any of the following basis:
 - (1) Violation of this Chapter;
 - (2) Any conviction of or release from incarceration for a felony under the laws of this State, any other state, or the United States within the past five (5) years by the Applicant or any stakeholder of the Applicant as measured from the date of the Application or the date of becoming a stakeholder, whichever occurs later, or while licensed under this Chapter; or any conviction of a substance-related felony by the Applicant or any stakeholder of the Applicant ever or while licensed under this Chapter;
 - (3) Commission of fraud or misrepresentation or the making of a false statement by the Applicant or any stakeholder of the Applicant while engaging in any activity for which this Chapter requires a license;
 - (4) Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Chapter and the rules and regulations governing the Medical Marihuana Program in the State of Michigan;
 - (5) The Medical Marihuana Establishment is determined by the City to have become a public nuisance;
 - (6) Sale or transfer of the license, or change in ownership, without the express written approval of City.
 - (7) Failure to commence licensed operations within 90 days of securing licensure from the City and State, suspension of operations for more than 90 days for other than acts of nature or, loss or suspension of license for violations of state or local law.

Sec. 22-609. Penalties and Discipline.

- (a) The City of Trenton may require an Applicant or Licensee of a Medical Marihuana Facility 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, license revocation, or discipline;

- (b) Any person in violation of any provision of this chapter or any provision of a license issued under this chapter is responsible for a misdemeanor, punishable by a fine of up to \$500.00 plus cost of prosecution, 90 days imprisonment, or both, or each violation. This section is not intended to prevent enforcement of any provision of the State law by the Trenton City Police Department;
- (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 City Clerk may temporarily suspend a Medical Marihuana Facility License without a Hearing if the City Clerk finds that public safety or welfare requires emergency action. The City Clerk shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceedings for a Hearing;
- (e) If the City Clerk temporarily suspends a license without a Hearing, the licensee is entitled to a Hearing within thirty (30) days after the Suspension Notice has been issued. The Hearing shall be limited to the issues cited in the Suspension Notice;
- (f) If the City Clerk does not hold a Hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on August 5, 2019, shall be enacted on August 19, 2019, and shall be published on or before August 26, 2019, and shall be effective August 27, 2019.

Moved by Councilwoman Baun-Crooks, seconded by Councilman Rzeppa, to approve the first reading of Ordinance No. 801, Medical Marihuana Establishments and refer the item to the City Attorney, City Planner and Administration for review and final recommendation.

Carried unanimously.

DISBURSEMENTS AND STATEMENTS

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to approve the Authorized Disbursements, August 5, 2019, in the amount of \$598,772.98.

Carried unanimously.

REPORTS

Moved by Councilman LeFevre, seconded by Councilwoman Baun-Crooks, to receive and place on file the Retiree Health Care Benefit Plan Board Meeting Minutes, April 24, 2019 and Special Meeting Minutes June 19, 2019; Zoning Board of Appeals Public Hearing and Regular Meeting Minutes, May 16, 2019; Fire and Police Pension Board Minutes, June 26, 2019; Planning Commission Public Hearing and Regular Meeting Minutes, June 26, 2019; and the Board of Review Minutes, July 2019.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

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|----------------------------|---|
| Councilman Benedetti | * Asked Administration for audio system update. City Administrator Church responded. |
| Councilman LeFevre | * Asked City Administrator status of legal fees related to Riverside Hospital. City Administrator responded. |
| Councilman Howey | * Asked Administration to schedule a study session and invite the DTE Trenton plant, regarding the closure and its impact on the budget. Mayor Stack and City Administrator Church responded. |
| Councilman Rzeppa | * Asked Administration for Riverside Hospital litigation update. City Administrator Church responded. |
| Mayor Stack | * Thanked Fire Department for help with her mother, who is doing well in physical therapy at Belle Fountain. Jazz and Motown on the River both went well. |
| City Clerk Devitt | * Next Regular Council Meeting Monday, August 19, at 7:00 p.m. |
| City Administrator Church | * Medical marihuana ordinance revisions were included in first reading. Asked that any modifications or amendments be brought to Administration. |
| Parks and Rec. Dir. Gonyea | * Barnyard Express Wednesday, August 7 at the Cultural Center. Dive-In movie Friday, August 16 at Kennedy Aquatic Center at dusk. |

MOTION TO ADJOURN by Councilman LeFevre, seconded by Councilman Benedetti, at 7:33 p.m.

APPROVED BY:

KYLE F. STACK, MAYOR

DEBRA R. DEVITT, CITY CLERK

MINUTES PREPARED BY: Eric J. Hoshaw, Deputy City Clerk

APPROVED ON: _____

INFORMATIONAL ITEMS:

1. Police: Traffic Control Order 2019-00002
2. State of Michigan: Notice of Hearing, DTE Electric Company, Case No. U-20561
3. WOW: Channel line-up changes, July 26, 2019